



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

BUHR A



a39015 01813075 0b

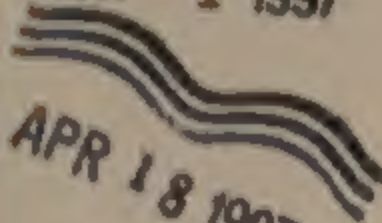
THE UNIVERSITY OF MICHIGAN

DATE DUE



JUL 26 1995

MAY 1 1997



APR 18 1997



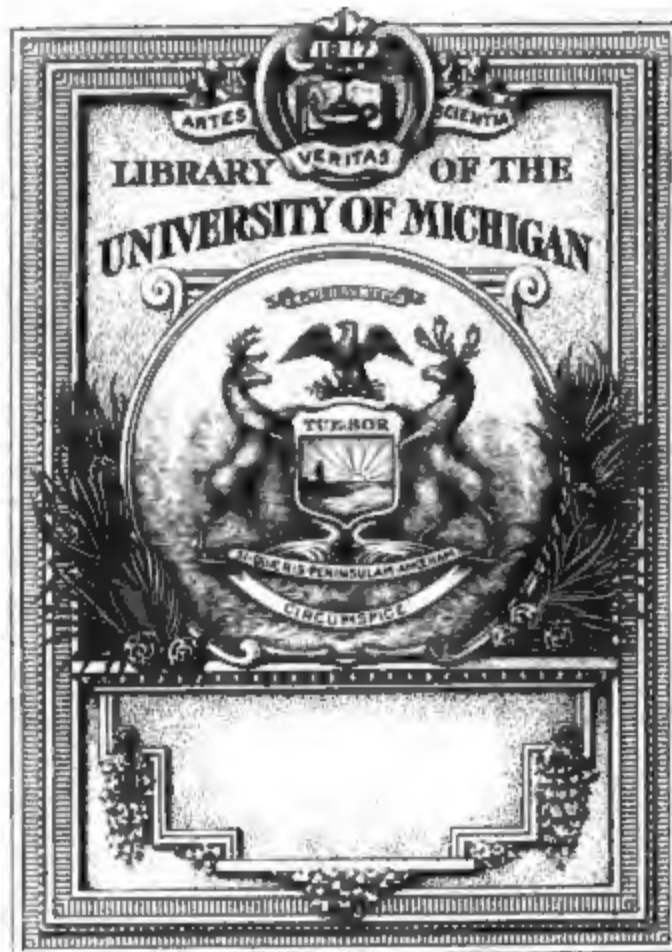
OF MICHIGAN

DUE

UNIVERSITY OF MICHIGAN



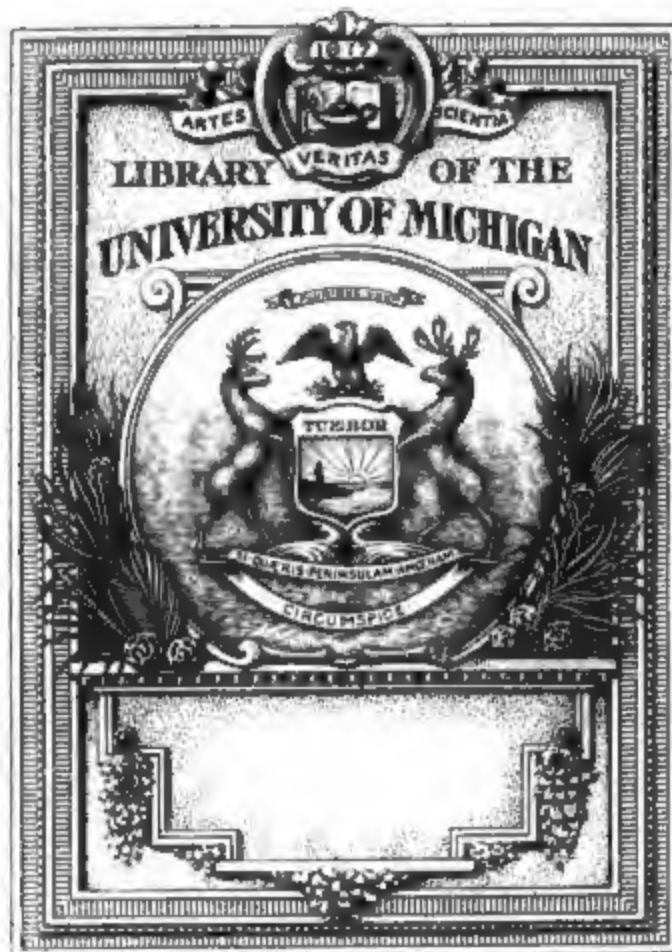
3 9015 02809 7700



BEQUEST OF
ELIZABETH LEWIS

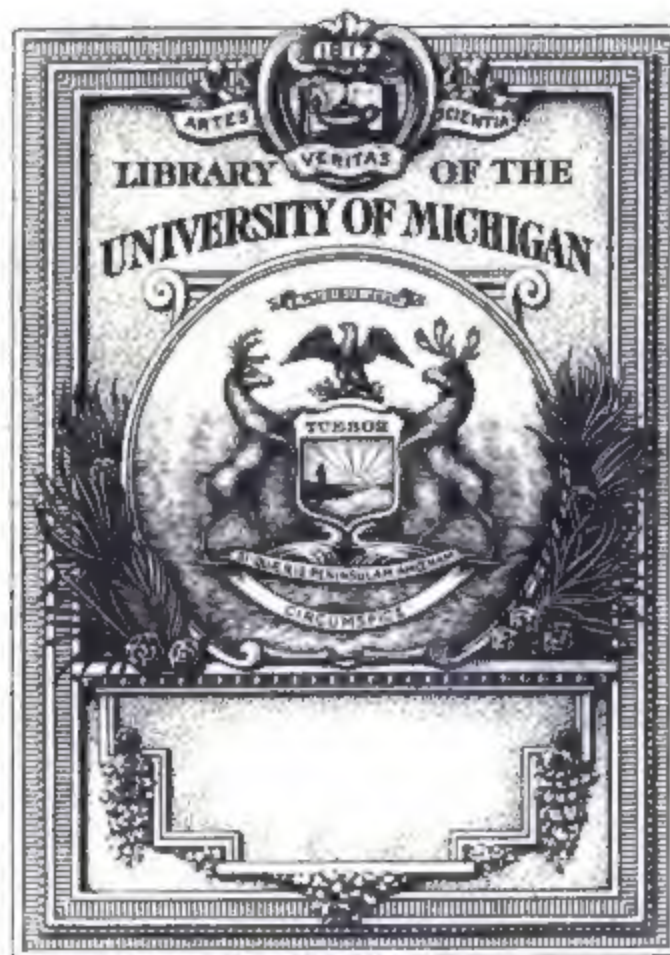


DT
821
H4
1897



REQUEST OF
ELIZABETH LEWIS

DT
821
H4
1897



REQUEST OF
ELIZABETH LEWIS

DT
821
H4
1897

RECORDS OF THE CAPE COLONY.

Cape of Good Hope

RECORDS

OF THE

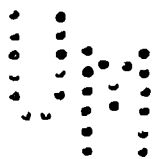
CAPE COLONY

From OCTOBER 1812 to APRIL 1814.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
RECORD OFFICE, LONDON,

BY

GEORGE M^cCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.



VOL. IX.

PRINTED FOR
THE GOVERNMENT OF THE CAPE COLONY.
1901.

LONDON :
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,
STAMFORD STREET AND CHARING CROSS.

14

CC-9-1111.

111-9C

DATE		PAGE
1812		
8 Dec.	Letter from Sir John Cradock to F. E. Turr, Esqre.	38
11 Dec.	Letter from Sir John Cradock to Earl Bathurst	39
12 Dec.	„ „ „	40
18 Dec.	„ „ „	41
„	„ „ „	41
„	Letter from Thomas Lack, Esqre., to Henry Goulburn, Esqre.	42
23 Dec.	Letter from Earl Bathurst to Sir John Cradock	44
26 Dec.	„ „ „	45
	Revenue and Expenditure Returns for 1812	45
	Census returns for 1812	48
	Agricultural Returns for 1812	49
1813		
7 Jan.	Letter from George Harrison, Esqre., to Henry Goulburn, Esqre.	50
8 Jan.	Proclamation by Sir John Cradock	51
14 Jan.	Circular Letter to the Clergymen of the Reformed and Lutheran Churches	52
18 Jan.	Letter from Sir John Cradock to Lord Bathurst	53
	Report of the Commission of Circuit for the Districts of Graaff-Reinet, Uitenhage, and George	54
	Nine Enclosures relating to the Proceedings	100
24 Jan.	Letter from Sir John Cradock to Lord Bathurst	129
25 Jan.	„ „ „	130
	Enclosures :—	
	Extracts from the Statutes of India	131
	Letter from the Reverend Mr. Vos	132
„	Letter from Sir John Cradock to Lord Bathurst	133
„	Return of the Troops in the Colony	134
26 Jan.	Letter from Alexander Maclean, Esqre., to Henry Goulburn, Esqre.,	135
30 Jan.	Letter from Lord Bathurst to Sir John Cradock	137
„	„ „ „	137
„	„ „ „	138
7 Feb.	Letter from Rear Admiral Tyler to J. W. Croker, Esqre.	138
15 Feb.	Letter from Colonel Torrens to Henry Goulburn, Esqre.	139
4 March.	Letter from Lieutenant Governor Meade to Lord Bathurst	139
11 March.	Letter from Sir John Cradock to Charles Blair, Esqre.	140
12 March.	Proclamation by Sir John Cradock	141
16 March.	Letter from the Fiscal Denysen to Sir John Cradock	143
	Statement of the Laws of the Colony of the Cape of Good Hope regarding Slavery	146
18 March.	Letter from Henry Goulburn, Esqre., to Sir John Cradock	161
2 April.	Letter from Lord Bathurst to Sir John Cradock	162
13 April.	Letter from Vice Admiral Stopford to J. W. Croker, Esqre.	163

vii

DATE		PAGE
1813		
17 April.	Letter from Lord Bathurst to Sir John Cradock . . .	163
"	" " " " " "	163
"	Letter from Sir John Cradock to Charles Blair, Esqre. .	165
20 April.	Letter from Charles Blair, Esqre., to Sir John Cradock .	165
22 April.	Letter from Sir John Cradock to Viscount Strangford .	166
"	Letter from Sir John Cradock to Henry Goulburn, Esqre. .	168
26 April.	Letter from the Fiscal Denyszen to Sir John Cradock .	170
29 April.	Letter from Henry Goulburn, Esqre., to Henry Alexander, Esqre.	175
3 May.	Letter from Sir John Cradock to Lord Bathurst . . .	175
6 May.	" " " " " "	176
7 May.	" " " " " "	177
10 May.	" " " " " "	178
	Two Enclosures concerning a church at Simonstown .	180
"	Letter from H. Hamilton, Esqre., to Henry Goulburn, Esqre. Enclosure concerning the Portuguese Slave Trade .	181 181
21 May..	Letter from Lord Bathurst to Sir John Cradock . . .	182
"	Letter from Lieutenant Colonel Graham to Henry Alexander, Esqre.	182
24 May.	Letter from Major General Meade to Colonel Torrens .	186
25 May..	Letter from the Commander-in-Chief to Lord Bathurst .	187
26 May.	Memorandum by Sir John Cradock	188
"	Letter from the Reverend Robert Jones to Sir John Cradock.	190
28 May.	Letter from Sir John Cradock to Lord Bathurst . . .	190
7 June.	Memorial of the Moravian Missionaries	191
10 June.	Letter from Sir John Cradock to Lord Bathurst . . .	192
"	Letter from Henry Alexander, Esqre., to the Landdrost of Swellendam	193
14 June.	Memorandum by Sir John Cradock upon Land Tenures .	193
18 June.	Letter from Thomas Courtenay, Esqre., to Henry Goulburn, Esqre.	197
22 June.	Letter from the Landdrost of Swellendam to the Colonial Secretary	198
7 July.	Letter from Henry Alexander, Esqre., to the Landdrost of Swellendam	199
9 July..	" " " " " "	200
16 July.	Advertisement concerning surveying land	200
23 July.	Advertisement concerning applications for land . . .	203
4 Aug.	Letter from Commissioner Dundas to Rear Admiral Tyler .	209
6 Aug.	Proclamation by Sir John Cradock	204
11 Aug.	Letter from Sir John Cradock to Lord Bathurst . . .	209
"	" " " " " "	212
"	" " " " " "	213
"	Letter from Rear Admiral Tyler to J. W. Croker, Esqre. .	214
"	" " " " " "	214
13 Aug.	Letter from Sir John Cradock to Lord Bathurst . . .	215

DATE		PAGE
1813		
14 Aug.	Letter from Henry Alexander, Esqre., to Thomas Courtenay, Esqre.	216
	Enclosure concerning a Schoolmaster	216
15 Aug.	Letter from the Commander-in-Chief to Sir John Cradock .	217
16 Aug.	Letter from Sir John Cradock to Lord Bathurst	218
20 Aug.	Letter from Sir John Cradock to Chief Justice Truter	219
21 Aug.	Letter from Sir John Cradock to Lord Bathurst	222
23 Aug.	" " " " " " " " " " " "	223
"	Letter from Commissioner Dundas to Sir John Cradock .	226
"	" " " " " " " " " " " "	226
24 Aug.	Letter from Sir John Cradock to Commissioner Dundas .	227
"	" " " " " " " " " " " "	228
"	Letter from Sir John Cradock to Lord Bathurst	229
25 Aug.	Return of the Troops in the Colony	229
26 Aug.	Letter from Chief Justice Truter to Sir John Cradock	230
31 Aug.	Memorandum by the President of the Lombard Bank	231
2 Sept.	Letter from Commissioner Dundas to Sir John Cradock	233
"	Letter from Sir John Cradock to Commissioner Dundas	234
18 Sept.	Letter from Sir John Cradock to Lord Bathurst	235
22 Sept.	Letter from Chief Justice Truter to Sir John Cradock	236
25 Sept.	Proclamation by Sir John Cradock	239
2 Oct.	Letter from Sir John Cradock to Lord Bathurst	245
5 Oct.	Letter from J. H. Addington, Esqre., to Henry Goulburn, Esqre.	246
9 Oct.	Letter from Lord Bathurst to Sir John Cradock	247
"	" " " " " " " " " " " "	250
13 Oct.	Letter from Sir John Cradock to Lord Bathurst	251
"	Letter from Lieutenant Colonel Torrens to Sir John Cradock .	251
17 Oct.	Letter from Lord Strangford to Viscount Castlereagh	252
20 Oct.	Letter from Lord Bathurst to Sir John Cradock	252
"	" " " " " " " " " " " "	253
21 Oct.	" " " " " " " " " " " "	254
2 Nov.	Commission to Lord Charles Somerset	254
	Instructions to Lord Charles Somerset	259
4 Nov.	Letter from Lord Bathurst to Lord Charles Somerset	259
"	Passport for Mr. Brink to proceed to the Cape	259
"	Letter from the Reverend C. I. Latrobe to Lord Bathurst	259
	Enclosure: Letter from Deputy Secretary Bird to the Missionaries at Genadendal	262
18 Nov.	Letter from Lieutenant Colonel Torrens to Sir John Cradock .	263
"	Letter from Lieutenant Colonel Graham to Henry Goulburn, Esqre.	264
22 Nov.	Letter from the Duke of Montrose to Lord Bathurst	264
	Enclosure: Memorandum by Lieutenant Colonel Graham .	265
25 Nov.	Letter from Lieutenant Colonel Torrens to Sir John Cradock .	267
"	Letter from the Earl of Caldon to Henry Goulburn, Esqre. .	267

ix

DATE		PAGE
1813		
25 Nov.	Note from Lord Charles Somerset to Henry Goulburn, Esqre.	268
26 Nov.	Letter from Lord Bathurst to Sir John Cradock . . .	268
27 Nov.	Letter from Sir John Cradock to Colonel Vicars . . .	269
28 Nov.	Letter from Lord Charles Somerset to Lord Bathurst . . .	271
29 Nov.	Letter from the Navy Office to Lord Bathurst . . .	271
"	Letter from John Barrow, Esqre., to Henry Goulburn, Esqre.	272
2 Dec.	Letter from Lord Bathurst to Sir John Cradock . . .	273
3 Dec.	" " " . . .	273
5 Dec.	Letter from Rear Admiral Tyler to J. W. Croker, Esqre. .	274
6 Dec.	Memorandum by Sir John Cradock . . .	275
8 Dec.	Extract of a Letter from Colonel Vicars to Sir John Cradock.	276
"	Letter from Colonel Vicars to Colonel Reynell . . .	277
	Enclosure: Report from Captain Fraser . . .	278
9 Dec.	Letter from Colonel Reynell to Colonel Vicars . . .	279
15 Dec.	Letter from H. Hamilton, Esqre., to Henry Goulburn, Esqre.	280
	Enclosures concerning Portuguese Slave Ships . . .	280
"	Letter from Thomas Courtenay, Esqre., to Henry Goulburn, Esqre.	283
16 Dec.	Letter from Lord Bathurst to Sir John Cradock . . .	284
19 Dec.	Letter from Sir John Cradock to Colonel Vicars . . .	284
"	Memorandum by Sir John Cradock . . .	285
22 Dec.	Letter from John Barrow, Esqre., to Henry Goulburn, Esqre.	288
	Enclosure concerning Lord Charles Somerset's Family and Suite	288
23 Dec.	Letter from J. W. Croker, Esqre., to Henry Goulburn, Esqre.	289
"	Letter from Lord Bathurst to Sir John Cradock . . .	289
"	Letter from John Barrow, Esqre., to Henry Goulburn, Esqre.	290
	Enclosure: Extract of a Letter from Commissioner Dundas	291
25 Dec.	Letter from Lord Bathurst to Sir John Cradock . . .	291
"	Letter from Earl Clancarty to Viscount Castlereagh . . .	292
27 Dec.	Letter from the Reverend Dr. Coke to Henry Goulburn, Esqre.	295
28 Dec.	Letter from Lord Bathurst to Sir John Cradock . . .	295
	Revenue and Expenditure Returns for 1813 . . .	296
	Census Returns for 1813	299
	Agricultural Returns for 1813	300
1814		
1 Jan.	Return of Ships of War on the Cape Station . . .	301
3 Jan.	Letter from T. Courtenay, Esqre., to H. Goulburn, Esqre. .	301
7 Jan.	Government Notice concerning the State of the Frontier .	302
"	Government Notice concerning the naming of Albany. .	304
12 Jan.	Letter from Lord Bathurst to Lord Charles Somerset . .	304
"	Letter from Sir John Cradock to Lord Bathurst . . .	305
21 Jan.	Letter from the Earl of Liverpool to the Earl of Clancarty .	305
IX.		b

DATE		PAGE
1814		
21 Jan.	Memorial of the Reverend John Campbell	307
"	Document upon the Hottentots by the Reverend J. Campbell	310
22 Jan.	Letter from Colonel Vicars to Colonel Reynell	312
27 Jan.	Memorandum by Sir John Cradock	313
28 Jan.	Account of the Fund for Public Works	316
"	Extract from the Journal of the Reverend John Campbell	318
30 Jan.	Letter from Mr. de Lettre to Lord Bathurst	319
1 Feb.	Letter from F. Freeling, Esqre., to H. Goulburn, Esqre.	321
	Letter from Sir John Cradock to Lord Bathurst	322
5 Feb.	" " "	324
7 Feb.	Letter from Lord Bathurst to Lord Charles Somerset	327
10 Feb.	Report of Mr. G. Beelaerts van Blokland	328
"	Letter from Sir John Cradock to the Reverend John Campbell	349
12 Feb.	Letter from the Reverend John Campbell to Sir John Cradock	353
14 Feb.	Letter from Sir John Cradock to Lord Bathurst.	355
"	Report of the Finance Commission	356
"	Memorandum by Henry Alexander, Esqre.	359
"	Memorandum by Francis Dashwood, Esqre.	360
"	Memorandum by Sir John Cradock	361
15 Feb.	Letter from Lord Bathurst to Lord Charles Somerset	367
16 Feb.	Report of Sir John Truter upon certain Taxes	368
	Memorandum by Sir John Cradock	409
18 Feb.	Letter from Lord Bathurst to Lord Charles Somerset	410
20 Feb.	Letter from Sir John Cradock to Lord Bathurst	411
1 March.	Memorandum by Sir John Cradock	412
4 March.	Proclamation by Sir John Cradock	413
"	" " "	415
"	" " "	417
"	Circular to various Landdrosts	418
5 March.	Letter from Sir John Cradock to Lord Bathurst	420
"	Letter from Sir John Cradock to Lieutenant Governor Meade	421
"	Letter from Earl Clancarty to Viscount Castlereagh	423
	Enclosures: Papers relating to the Chartered African Fishing Society.	424
6 March.	Letter from Landdrost Buissinne to Henry Alexander, Esqre.	438
8 March.	Report of a Committee upon Taxes	440
18 March.	Letter from Rear Admiral Tyler to J. W. Croker, Esqre.	442
26 March.	Letter from Mr. John McKenny to Henry Goulburn, Esqre..	442
"	Letter from Captain Hornby to Vice Admiral Tyler	443
29 March.	Letter from Henry Goulburn, Esqre., to Lord Charles Somerset	445
"	Report of the Committee upon the Wine Licenses	446
30 March.	Letter from Lord Bathurst to Sir John Cradock	450
"	Letter from Sir John Cradock to Lord Bathurst	451
31 March.	Letter from the Reverend Dr. Werninck to H. Fagel, Esqre.	452
1 April.	Letter from H. Hamilton, Esqre., to Henry Goulburn, Esqre.	453
"	Proclamation by Sir John Cradock	454

DATE		PAGE
1814		
2 April.	Letter from Sir John Cradock to Lord Bathurst . . .	458
"	Letter from Mr. H. Fagel to Henry Goulburn, Esqre. . .	459
5 April.	Letter from Sir John Cradock to Lord Bathurst . . .	460
"	" " " " . . .	461
"	" " " " . . .	462
6 April.	" " " " . . .	463
"	" " " " . . .	463
"	Proclamation by Lord Charles Somerset . . .	464
7 April.	Letter from Lord Chetwynd to Henry Goulburn, Esqre. .	465
11 April.	Letter from Thomas Courtenay, Esqre., to Henry Goulburn, Esqre.	465
13 April.	Letter from Sir John Cradock to Lord Bathurst . . .	467
14 April.	" " " " . . .	468
	Enclosures upon the Paper Money . . .	471
16 April.	Letter from Sir John Cradock to Lord Bathurst . . .	483
"	Advertisement concerning Trade . . .	483
17 April.	Letter from Sir John Cradock to Lord Bathurst . . .	487
	Enclosures concerning charges of fraud made by Portuguese	487
18 April.	Letter from Lord Charles Somerset to Earl Bathurst . .	490
	Enclosures concerning assumption of the government .	491
21 April.	Letter from Colonel Edward Vicars to Sir John Cradock .	493
23 April.	Letter from Sir John Cradock to Lord Bathurst . . .	495
"	Permission for Mr. Reitz to proceed to the Cape of Good Hope	496
25 April.	Return of Troops in the Garrison . . .	496
27 April.	Letter from Sir John Cradock to Lord Bathurst . . .	497
29 April.	Advertisement concerning name of the church in Simonstown	498
30 April.	Letter from Vice Admiral Tyler to J. W. Croker, Esqre. .	498
"	" " " " . . .	499
"	Memorandum by Deputy Secretary Bird . . .	499

RECORDS OF THE CAPE COLONY.

[Copy.]

Government Advertisement.

His Excellency the Governor is fully impressed with every feeling of respect for the talents of the late president of the agricultural board, Mr. Van Ryneveld, whose unremitting and zealous exertions were so uniformly directed to the promotion of public objects, as well as the other gentlemen who composed that board; but, at the same time that His Excellency expresses his approbation of what has been accomplished, he cannot but look forward with anxiety to what may still be promoted by a continual application of ability and perseverance.

It is now established on authority of the most eminent and enlightened men who have written upon the subject, that agriculture forms the true basis of the wealth of nations; and that commerce and manufactures, although powerful auxiliaries, are considerations of secondary importance. Agriculture too, or the cultivation of the soil, is naturally the primary object of all emigrants from civilized nations to foreign countries, and such productions are most cultivated as experience may point out to be most congenial to the climate and soil.

When it comes to be considered the number of years that this colony has been possessed by an enlightened and industrious nation, it is a matter of surprize that the progress in agricultural pursuits has not been more rapid. This observation is plain to every understanding capable of considering the inadequate proportion which the encrease of cultivation bears to that of the population of the settlement.

His Excellency, with a lively sense of this growing evil, and an ardent desire to lend his support and countenance to the promotion

of agriculture as well as the improvement of cattle of every description, (objects so highly essential to the permanent welfare of this valuable and growing colony), judges it expedient to re-organize the Board of Agriculture; and is pleased to accept the resignation of the gentlemen hereafter named, (Members of the late board) who, for the reasons they have severally assigned, cannot afford such portion of their time as becomes necessary to give efficiency to the institution, and embrace the various objects which must, at least for some time, command the attention of the board.

His Excellency has therefore taken upon himself the presidency, and has further been pleased to appoint

Francis Dashwood, Esq., Vice president,
 Messrs. J. Zorn,
 J. Pringle,
 D G. van Reenen,
 A. Tennant,
 F. Dreyer,
 W. Hussey, M.D.,
 P. J. Truter, Jr, M.D.,
 M. van Breda,
 J. M. van Helsdingen,
 J. P. Wainey,
 Jacob van Reenen, Jacz.,
 Jacob van Reenen, Johz.,
 Jacob van Reenen, Sebz.,
 Major Thornton,
 Mr. Duckitt, secretary,
 Mr. Klerck, treasurer and general agent.

His Excellency further directs that the first meeting of this Board be held in the Committee Room, at the Civil Offices, on the 2nd of November next, at 11 o'clock in the forenoon; and his orders shall be given that a full view of the accounts of the late board, together with an account of the living and dead stock, the property of government, may be prepared and submitted to the new board at its first meeting; and His Excellency will avail himself of that opportunity to offer for its consideration such papers as he has been favored with upon this important subject.

To such measures as may appear to the board most likely to advance and give effect to the main points of the institution, either

by experiment at home, or instruction from England, the importation of useful implements of husbandry, animals superior to our own, or the engagement of farmers and artisans ; His Excellency will most willingly meet their recommendations, with such pecuniary aid as may be thought wise and prudent to apply.

Castle of Good Hope, 16th October 1812.

By command of His Excellency.

(Signed) HENRY ALEXANDER, Col. Secretary.

Names of the members of the late board who have resigned :—

C. Brand, Esq., Vice President,
Messrs. P. J. Truter, sen.,
J. J. Vos,
J. G. van Reenen,
J. F. van Reenen,
S. van Breda,
J. P. Eksteen,
R. Cloete.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 21st October 1812.

SIR,—I transmit to you herewith the Copy of a Letter from Mr. Buller addressed to my Under Secretary, dated the 15th Instant, respecting an Application for Mr. I. Casper Martin to be allowed to export from the Cape of Good Hope to England, on board a British Vessel, a Quantity of foreign Specie to the Amount of £5,000 Sterling on certain Conditions, and I am to request that you will give directions to allow the said Specie to be exported to this Country on the Condition stated in Mr. Buller's Letter.

I have, etc.

(Signed) BATHURST.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it was notified by the proclamation of the 14th June, 1810, that the capital of the Lombard Bank should be augmented by 1,000,000 of Rds. at such periods as should be thereafter deemed most advisable, and whereas it appears to me to be expedient, in addition to the sum of 600,000 Rds. issued to the directors of the said bank on the 14th of June, 1810, and 15th of January last, to make a further advance to them of 100,000 Rds. ;

These are therefore to order and direct, in virtue of the power and authority in me vested, that the secretary of the Court of Justice do, on Saturday the 31st instant, attend at the Castle, where, on application to the Colonial Secretary, (in whose custody they are,) he will receive the stamps, together with the quantity of cartoon necessary for the purpose, and that he do, in the presence of the fiscal and two members of the Court of Justice, who are hereby required to attend at the time aforesaid, at the usual place, and in the usual manner, cause the number of 1000 Pieces of 100 Rds., the backs of which are yellow, to be stamped ; which pieces, when so stamped, are to be delivered by the fiscal and members of the Court of Justice aforesaid to the Colonial Secretary, to whom they are also at the same time to return the stamps ; which stamps, being replaced in the box in which they are usually kept, the box shall be sealed with my seal and with that of the Court of Justice to so remain until further wanted ; of all of which the fiscal and members of the Court of Justice are to make a public act of certification in the presence of the Court, on the next Court day, to be registered in the records of the Court.

And it is further directed that such stamped pieces (being regularly marked and numbered) and the value of each piece with the date duly printed thereon, shall be signed by Major Munro and Messrs. P. J. Truter and J. W. Stoll.

And it is also further directed that such money, so stamped and signed, do remain in the custody of His Majesty's Receiver General, until report be made of its being finished ; when such further orders shall be given as may be expedient ; and for the several matters herein mentioned this shall be to all concerned a

full and sufficient warrant; and, for the public information and satisfaction, it is further directed that it be published and affixed in the manner usual with all other proclamations.

Given under my hand and seal, in the Castle of Good Hope, this 27th day of October 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the creation of new pieces to replace worn out and defaced paper money. Similar to many preceding.

30th October 1812.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, 5th November 1812.

SIR,—I am directed by Lord Bathurst to transmit to you herewith the Copy of a Letter from Mr. Hamilton, dated the 31st Ultimo, together with Copies of the Inclosures therein referred to, regarding the Seizure of the Portuguese Slave Vessel *Restaurador* at the Cape of Good Hope, and to request you will furnish me, for his Lordship's information, with a Copy of the Proceedings had in the Case of the Vessel in question. I have, &c.

(Signed) HENRY GOULBURN.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the destruction of worn out and defaced paper money. Similar to many preceding.

November 1812.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas J. A. Truter, Esq., Chief Justice, and J. Zorn, Esq., Landdrost of the Cape district, have, in obedience to my commands, assessed the different farmers in such proportions of barley as it will be incumbent on them to furnish for the supply of His Majesty's cavalry, during the ensuing year; I do therefore hereby think proper to notify my approbation of the above-mentioned assessment, and further to direct that the several farmers herein named, do deliver at the Commissary General's stores in Cape Town, on or before the last day of April, 1813, one half of the several quotas of barley expressed against their names in the following list, and the remaining half on or before the 1st day of October next.

And if any farmer or farmers so assessed shall not have delivered his or their proportion of barley, on or before the days above stated, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased at whatever the market price may be, at the expence of such farmer or farmers, and to be delivered into His Majesty's stores.

The inhabitants dwelling in the neighbourhood of Saldanha Bay may deliver their quotas to the superintendant Mr. Kendler, who will be directed to give receipts for the same; and such farmers as may not be able to furnish the whole proportion of their assessment in barley, will be at liberty to deliver oats, provided five muids thereof be given in lieu of four of barley.

And whereas it has been reported to me that the sum of four Rds. and six skill. for a muid of barley, or a muid and a quarter of oats, appears to be a fair and equitable price for the same, I do therefore hereby make known that the above sum will be paid by the Deputy Commissary General for the barley he may receive during the before stipulated time.

Given under my hand and seal, in the Castle of Good Hope, this 13th day of November 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from SIR JOHN CRADOCK to COLONEL VICARS.

GOVERNMENT HOUSE, *November 14th 1812.*

SIR,—I have the honor to enclose to you a copy of my letter of instructions to Lt. Col. Graham, who preceded you in the civil and military command of the Frontier districts.

My general ideas, which I trust are consonant to the spirit of all the orders I have received from His Majesty's Government, are so fully detailed therein that there is little occasion to make any addition, and I have only to recommend the continuance of the same measures which your predecessor, upon those principles, adopted, and so happily distinguished his command.

The first object of Colonel Graham's mission was to employ the most vigorous proceedings to clear all His Majesty's territories from the Caffre tribes that had so long desolated that quarter and driven the inhabitants from their dwellings and properties, not only to the injury of every part of the Settlement which draws its material supply from those fertile districts, but from the nature of the evil, unless their course was stopped, it was difficult to say to what extent the irruption of these savage tribes would extend.

This has been effected with entire success, and it will ever give the greatest satisfaction to the Government that the whole operations have been conducted with a degree of moderation and humanity most exemplary, and though the necessary firmness and decision were invariably maintained, it does not appear that a single hostile or sanguinary act was committed that could have been avoided. Conciliation and amicable proceeding were always in view, though I lament to say they proved unavailing in every instance. Such has been the conduct hitherto, and such I am persuaded it will continue under your command.

To you, Sir, it will now fall to maintain what has been accomplished with so much labour and expense, and as far as it is practicable to prevent the recurrence of those evils from which those parts of the country have been so recently delivered.

Whenever it may be necessary to have communication with the Caffre nation, for after all that has happened there can be no faith in treaties, of course they will be carried on with all those prin-

ciples of moderation and philanthropy that ought invariably to attach to an English Government, but I beg to repeat my advice that it seems judicious in every respect to cease all intercourse as the surest means to prevent the revival of any dispute. In no shape can mutual advantage arise from connection, as it would be visionary to suppose they would derive civilization from us, and our Colonists possess everything in such abundance that they cannot stand in any need of any external supply.

Upon these foundations it will be your rule of conduct to preserve inviolate the separation of territory, and suffer no irruption either in parties or by individuals. What we effect now by vigilance and the appearance of force, it will be your great object to produce through habit and acknowledged division of country. Once these points are firmly and immutably established, and no deviation can be trifled with, let everything else proceed in truly British benevolence and friendship.

I should do injustice to the general character of the authority with which you are invested, if I confined the sphere of your action even to the important objects I have already named, but I candidly impart that I shall expect from you in your civil capacity an increasing vigilance and activity to promote all the beneficent views of His Majesty's Government, which I trust have been sufficiently apparent by the several Proclamations that have been circulated, and which are known or acted on by all who are not either wilfully blind or negligent.

Till within this short period the large extent of territory over which you will have to act was little known, or attended to, and many proceedings took place that were most disgraceful under a regular Government; but it is to be wished to draw a veil or cast them altogether into oblivion, and look for redemption in futurity, and the good effects of late regulations.

Among the foremost I place the institution of annual circuits from the Court of Justice by my predecessor, the Earl of Caledon, which if duly administered cannot fail to open the road to universal civilization, as well as overcome in course of time a proneness to crime and all those imputations of oppression and cruel proceeding towards the lower classes of the community that will ever prevail in those districts remote from the seat of Government, under the notion of impunity, and where the eye or arm of justice seldom reached.

Whatever has been dark in the past is, I can assure you, bright in the future prospect, and the fertile regions that will now fall under your superintendence present to the view of an enlightened and patriotic officer the likely means to establish his character as a useful servant to his King and country.

I am persuaded that a new order of things will soon arise in all those distant parts. The frequent and daily access is established, the knowledge of all that passes is secured, the magistrates and clergymen have been instructed to promote, in the most zealous and lively manner, the various objects of their revered and sacred functions. The doors of the churches, in some measure closed, have been thrown open to all descriptions of His Majesty's subjects, and new churches have been directed and a general system of education, whenever practicable, has been established throughout the districts. An influx of active and circulating money, hitherto unknown, is promoted by the temporary residence of troops, and all the arts and comforts of civilization advanced by the example of the officers and other enlightened strangers who will resort to these new establishments.

I state all these things not only to encourage you in the task before you, but to mark what we, in well grounded confidence, hope to gain by your present service; and that as all these are but infant institutions with many difficulties in view, each undertaking requires to be fostered with the utmost care and delicate attention, and while it is your bounden duty to cherish and advance every work that has sprung from the most ardent desire to extend the blessings of British liberty and benevolence, still the most cautious circumspection is to be exercised in the promotion of the desired good, and as little as possible are we to hurt the feelings, or attack the prejudices, of a body of people who with good dispositions it is always to be recollected from the peculiarity of their situation are yet unused to severe control, and are even to be taught in a mild manner the operations of the Law.

I have now, Sir, but to add this request that you will take into immediate consideration, after your arrival, the Missionary establishment at Bethelsdorp, and I enclose a copy of my letter to the Revd. Mr. Read upon the death of the late Dr. Van der Kemp, as explanatory of my general sentiments. I need not repeat that I cannot but entertain veneration for institutions of that nature, and if, while they carry on their pious works, they do not lose sight of

their common obligation to the community in which they live, they are eminently entitled not only to the support of Government, but of every good man. But I do not scruple to avow, that the exercise and sole display of religion alone, without aiding in the general task of labor and industry, the appointed lot of all mortals, must be prejudicial to any country, and especially to this colony, where from the want of sufficient population, no man can be idle without positive injury.

If these establishments seem resolved to take their part in the general industry of the country, it is my anxious instruction that you afford to them every assistance and encouragement within your power, and assure them of the unlimited protection of this Government.

In pursuance of all these trusts confided to your zeal and activity, I am to request the most constant communications. On the Public Civil concerns you will address yourself to Henry Alexander, Esqre., Colonial Secretary's Office, and on those of a military nature to Lt. Col. Reynell, my Military Secretary. But upon all other occasions I shall be happy to learn your private sentiments in the most unreserved manner. I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

*Report of the Commission of Circuit for the Districts of
Swellendam and Tulbagh.*

To HIS EXCELLENCY SIR JOHN FRANCIS CRADOCK.

SIR,—It having pleased Your Excellency by warrant, dated the 26th August last, agreeably to the Proclamation of the 16th of May 1811, to constitute us, the undersigned, members of the Worshipful the Court of Justice, into a Commission for administering Justice in the respective country districts, by which we were ordered and directed to proceed to the Districts of Swellendam and Tulbagh, there to investigate and try such criminal and civil cases as are pointed out by said Proclamation, we, in compliance therewith, commenced our journey from Cape Town on the 16th September following, and having visited the Drostdies of

Swellendam and Tulbagh, where we tried and determined the different cases brought before us at each of the same, we returned to town on the 28th Ultimo.

On Monday the 21st September we arrived at the Drostdy of Swellendam, and opened the session on the morning of the following day; but from continued rains and the swelling of the rivers, we were considerably retarded in the execution of our duties and detained from prosecuting our journey to Tulbagh till the 9th of October, when we left Swellendam for that place, where we arrived at about 8 o'clock in the evening of the 21st, and opened the session on Friday the 23rd following.

Agreeably to the 36 and 55th Articles of the abovementioned Proclamation, we left a copy of the records of the different cases in the Secretary's office of each of the districts, and deposited another in the Secretary's office of the Court of Justice.

In the meantime we have the honor herewith to forward sub No. 1 a statement of all the criminal and civil cases which were brought before us at each of the two said drostdies, specifying the manner in which they have been terminated, whether by judicial decree of the Commission, sentence, or otherwise.

The records kept of all the cases were too voluminous to be annexed to this report; but they are deposited in the Secretary's office of the Court of Justice, where they lay at Your Excellency's disposal, should any of the cases stated in the list No. 1 call for Your Excellency's particular consideration on the detailed circumstances thereof.

The Proclamation of the 16th May 1811 constituting the foundation of the duties of the Commission, we accordingly, after the termination of the different suits directed our attention to the several points specified from Articles 62 to 66 of the same, and we accordingly caused a record or annotation to be made thereof, viz.

Art. 63. The observance of the Proclamation of the 1st November 1809 respecting Hottentots.

Articles 64 and 65. Punishments inflicted on slaves.

Article 66. Coroners' Inquests and Notarial Acts.

Of this record we have the honor to annex a copy sub No. 2, and to which we beg leave to refer for particulars.

We further examined the prisons, which were clean and in order, and which, agreeably to the statement of the landdrosts, were in the same situation as when inspected by the former Com-

mission, to whose report we also take the liberty, for the sake of brevity, to refer.

Actuated by the sincerest wishes to promote the great and beneficial intention of our important mission, we have done everything in our power to attain that object, and in the hope that our feeble exertions may meet the approbation of Your Excellency, we have etc.

(Signed) C. MATTHIESSEN,
W. HIDDINGH.

Cape of Good Hope, the 14th November 1812.

A true translation.

(Signed) HENRY MURPHY, Sworn Translator.

The annexures to this report are not to be found in London. They are not of much value now, however, as this circuit was not an important one.—G. M. T.

[Office Copy.]

Letter from LORD BATHURST *to* SIR JOHN CRADOCK.

DOWNING STREET, 16th November 1812.

SIR,—The Commissioners appointed by His Majesty's Treasury to take charge of the American Property detained under the Order of Council of the 23rd day of June last, having stated that it is of great importance that the Agents named by them to take charge of such Property in the different Colonies abroad should have every facility afforded to them to carry fully into effect the particular directions received by them from the Commissioners for the most effectual protection of His Majesty's Interests in all Cases of Prize condemned in the Vice Admiralty Courts as Droits of the Crown, I herewith transmit for your information the Copy of a Letter written by the Commissioners to the secretary to the Treasury, and I am to signify to you the Pleasure of His Royal Highness The Prince Regent that you do recognize Mr. G. Cadogan, who has been appointed their Agent for the Cape of Good Hope, and give him every support and assistance in your power in the execution of the Duty entrusted to his Care. I have, etc.

(Signed) BATHURST.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., *to* SIR JOHN CRADOCK.

DOWNING STREET, 16th November 1812.

SIR,—Lieutenant Colonel Campbell has applied to Lord Bathurst to remunerate him for certain advantages which he states to have been enjoyed by his Predecessors while holding the office of Town Major at the Cape of Good Hope. By the enclosed Copy of a Letter which I have addressed to him, by his Lordship's directions, you will observe that the issue of the Allowance he claims from the date of his Appointment as Town Major to the period at which the discontinuance of the Allowance in question was promulgated by Lord Caledon, has been promised to him; and I am directed by Lord Bathurst to desire that you will take the necessary Steps for remitting to Mr. Courtenay, the Colonial Agent, the amount which may appear to be due to him, in order that the same may be paid to Colonel Campbell or his Agent. A Memorial from this Gentleman was transmitted by Lord Caledon in January 1809, in which the allowance is stated at between 70 and 80 Rix Dollars per month. I have, &c.

(Signed) HENRY GOULBURN.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to*
JOHN WILSON CROKER, ESQRE.

Hercules TRANSPORT IN TABLE BAY,
the 16th November 1812.

SIR,—You will be pleased to acquaint my Lords Commissioners of the Admiralty that on the 3rd instant the *Vulcan*, a Portuguese brig, arrived here from Rio de Janeiro with an official dispatch from His Excellency Lord Strangford acquainting me and the Governor that war was declared by America against England on the 18th June.

The *Caroline* (Extra Ship), one of the *Minden's* convoy, having arrived in Table Bay on the same day with the *Vulcan*, I procured from the Gazettes brought by that ship the Regent's order

in council, dated 31st July, to detain Americans, I therefore dispatched the *Astrea* to the Isle of France with orders, and have sent the *Lion* to cruize with similar orders to the limits of this station northward and westward.

The *Minden* arrived here on the 15th with the *Morley*, one of her convoy, having parted from the remainder on or about the Line.

This letter goes by the way of Rio de Janeiro, and is conveyed by the return of the Portuguese brig *Vulcan*. I have &c.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Original.]

Letter from SIR JOHN CRADOCK to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, November 17th 1812.

MY LORD,—I have the honor to acknowledge your Lordship's Circular Letter of the 11th of June, to announce your Lordship's appointment to the Seals of the Colonial and War Departments, upon which I request I may be allowed the liberty to offer my congratulations.

I believe it is in the usual manner that I should continue in series the numbers of my former dispatches, though your Lordship may adopt an original list. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, November 18th 1812.

MY LORD,—The receipt of your Lordship's despatch of the 29th July has occasioned much anxiety in my mind, and indeed embarrassment as to future proceedings, for I had entertained strong hopes that the successive communications I laid before His Majesty's Government respecting the commencement of decisive

measures against the Kaffir tribes had removed all doubt upon the indispensable necessity, and that it had been apparent, I only put in operation, strengthened by my own judgment, the intentions of my predecessors in this Government.

Had I not relied upon the effect of those documents, it would now appear very late to assure your Lordship that the question had reached this point: Who were to be the possessors of a considerable portion of the most fertile lands of this Settlement, either the Kaffir nations to any unlimited extent of irruption they chose, or the old proprietors for more than a century past? The same papers I trusted had proved that these inroads had been invariably accompanied with every act of outrage, and that increasing plunder and murder had driven almost every family in those districts, upon which depend the supplies of cattle for Cape Town, from their dwellings and properties.

The whole country had been deserted, and the approach of those barbarous tribes in the natural course of events was to be apprehended in the very centre of the Colony. Even there their progress would not be stopped by the defenceless inhabitants, and after the ravage and loss of all the frontier country, and the consequent misery and disgrace to Government, it appeared to me, as a measure delayed, but not averted, that the expulsion of this savage nation, for I cannot call it warfare, must then be undertaken, under all the sorrow that it had not been adopted at the proper moment.

Had it appeared from any account in existence that any treaty could be made, much less depended upon, with these people, I am most ready to admit the policy in every point of view that it was desirable to abstain from actual hostility, and I would have gladly purchased their forbearance by the surrender of the Zuurveld, or any other reasonable portion of territory, but from all I ever heard had we yielded the ancient boundary of the Great Fish river, the same spirit of depredation would have prevailed, and the weakness we had evinced would only have added contempt to the operation of their thirst for plunder and other savage passions.

Whatever may have been the improprieties of the remote settlers towards the Hottentots or other neighbouring tribes, the case of the Kaffirs is entirely a separate question; for their warlike habits and ferocious disposition have ever since the first establishment of the Colony rendered them the terror of the farmers and

country people, and all aggression has proceeded from them. The records of the Colonial Office furnish abundant proof of the loss of lives and the devastation of property.

Before your Lordship will receive this letter I presume your Lordship may have seen Lt. Col. Bird and Lt. Col. Graham, who are enabled from their perfect civil and military experience upon the present question to give the most satisfactory information, and Lt. Col. Arbuthnot, Deputy Quarter Master General, the bearer of this dispatch, who lately served throughout that country with the most distinguished intelligence and activity, may now be called upon to answer every necessary inquiry.

I still then hope to receive decisive instructions from your Lordship upon the course His Majesty's Government wishes me to pursue; for however my opinion stands in favor of the past and present measures, and that I think the prosperity of this Settlement depends upon the just preservation of the acknowledged boundary, yet I may assure your Lordship that as a military man it cannot be without pleasure I shall receive orders to draw down the remainder of the force employed, and concentrate the whole about Cape Town for the defence of this important station; and I trust that Government may be satisfied that without a thought more of my opinion, I shall as zealously execute their orders.

As I believe that it is not doubted that every coercive measure against the Kaffer tribes under the direction of Lt. Col. Graham has been conducted with the most exemplary moderation, and the unceasing attempt, though unavailing, to conciliate them, it is unnecessary to expatiate upon the past, and I shall only transmit a Copy of my instructions to Colonel Vicars, who succeeds to the civil and military command of the frontier, wherein I trust it will be found that the same principles of forbearance and benevolence, which so justly actuate His Majesty's Government do not suffer abroad, in the exercise of that authority in this Colony.

I entertain sanguine hopes that it will not be necessary to continue the appointment of Colonel Vicars beyond a twelve-month, and your Lordship will observe from the annexed return of the force how much their numbers have been diminished, and in a short time it may be hoped they may all be gradually withdrawn.

The enclosed letter from Lt. Colonel Lyster will also give your Lordship satisfaction as to the general tranquillity that prevails,

and I may add that the confidence of the returning inhabitants is much restored.

It seems now only necessary to maintain what has been accomplished with so much exertion, till the Kaffir tribes respect the indispensable line of separation through habit as well as immediate awe, and measures are now adopting as far as practicable to more collect the population and thereby place them in a better state of defence in future.

It will require some time to mature these objects, but when accomplished, and the recurrence of past evils prevented, it cannot fail to give satisfaction that security has been extended to His Majesty's subjects, however distant, and prosperity ensured to the most fertile parts of this Colony. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to* EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *November 18th 1812.*

MY LORD,—In obedience to the Earl of Liverpool's Circular Letter of the 21st March 1812 respecting the admission of strangers into this Colony, and desiring that I should state what precautions were usually taken on this subject, I have the honor to submit to your Lordship a Statement of the Regulations now in force, and your Lordship may rest assured that every practicable attention will be given to prevent the entrance of any improper person. I have &c.

(Signed) J. F. CRADOCK.

[Enclosure.]

No foreigners arriving in this Settlement from Europe are permitted to settle without having previously produced at the Colonial Secretary's office a passport from the office of the Secretary of State.

Persons arriving from other countries, and not provided with a passport as above stated, and wishing to remain in the Colony, are

obliged to memorial His Excellency the Governor for permission, the petition is referred to His Majesty's Fiscal, who enquires into the conduct of memorialist and circumstances of the case, and reports accordingly. If favourable, memorialist is permitted to land and remain in the Settlement, giving security for his good conduct. A proclamation on this subject by Lord Macartney, a passport, and deed of security are sent herewith.

(Signed) J. A. TRUTER.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas I have had under consideration the establishment of certain prescribed regulations, as well for the guidance of the servants of the Government as those individuals who are, or may hereafter be, concerned in the felling of timber in the forests bordering on Plettenberg's Bay, with a view to bring into account the remote and hitherto unfrequented parts of these woods, to abolish the present wasteful practices, and to give time to the almost exhausted tracts in the neighbourhood of the Bay to regenerate; I hereby order and direct that the tract of woods lying between the Knysna and Keurboom Rivers be hereafter reserved exclusively for the purposes of Government; and do hereby empower the magistrates and others in authority to proceed according to law against any person or persons who may, after the publication of this proclamation, be found encroaching within the limits of the tract above specified.

And whereas it has been represented to me that the timber in the extent of forests to the southward of the Poort (Pass) comprehending about one third of the tract ordered to be reserved for the purposes of government, is nearly exhausted from the facility of access, and its contiguity to the Bay; it is therefore my intention to shut up this space altogether, but this restriction will not actually take effect until the contractors have fulfilled their existing obligations to Government, that every facility may be afforded to expedite the supply of timber required to meet the present demands of the naval, military, and colonial departments; but all persons entering into future contracts with the departments

of Government are positively prohibited from employing wood cutters to the southward of the Poort (Pass), but must restrict them to the tract of wood to the northward of the said Pass.

And whereas I am willing to remove any apprehended deficiency of timber, to meet the demands of the public, as well in Cape Town as the interior of the colony, I judge it proper to allot to all persons engaged in speculations for the supply of timber, the free use of the extensive tract of forest situated to the westward of the Kaaymans River, at present preserved to Government, subject to the regulations and restrictions hereafter mentioned.

1st. That no individual be allowed to fell timber, without having previously obtained a licence so to do, which he is to present to the overseer prior to his making the least attempt to benefit from the same, under a penalty of 100 Rds.

2nd. That no person shall proceed to the forests without having previously obtained a permit from the overseer, and having specified to him the number and the names of the persons who are intended to be employed by him in the woods, under a penalty of 100 Rds.

3rd. No trees are to be felled but upon the spot pointed out by the overseer, under the penalty of 100 Rds.

4th. That no person be permitted to fell any sort of timber but such as is specified in his licence, under a penalty of 100 Rds. and confiscation of the timber.

5th. No individual to be allowed to dispose of any timber that he has felled in consequence of his licence before the same has been carried out of the forest and inspected by an overseer; nor shall any person be allowed to fell timber upon the licence of another, under the penalty of 100 Rds. and confiscation of the timber.

6th. That any one, black or white, who shall be found in the forests without the knowledge of the overseer, shall be seized upon, conveyed to the Drostdy George, and confined on bread and water for the term of six weeks.

Given under my hand and seal, at the Cape of Good Hope, this 20th day of November 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas, by a Proclamation bearing date the 29th day of September, 1809, as well as a subsequent proclamation of the 9th October, 1811, it was ordered and directed that a duty of 10 per centum should be levied upon all goods, wares, and merchandize, not of the growth, produce, or manufacture of Great Britain or Ireland, imported into this settlement from any part of His Majesty's dominions, in British built vessels owned and navigated as by law directed; such duty to be rated and levied as directed by the proclamation of the 9th October 1811.

And whereas it appears to me that levying said duty of 10 per cent upon such cotton wool as may be imported into this settlement in the manner before specified, and intended for re-exportation to the United Kingdom of Great Britain and Ireland, is injurious to the manufacturing interests thereof.

I have thought proper to direct, and by these presents do hereby order and direct, that from and after the date hereof a duty of 3 per cent shall be levied upon all cotton wool that may be imported into this colony for re-exportation to Great Britain or Ireland, or such as may be transhipped upon British built vessels, owned and navigated according to law: provided nevertheless, that such cotton wool be kept under the keys of the collector of His Majesty's customs until such transhipment or re-exportation shall take place, to, and in the manner before stated.

And I further order and direct that the said duty of 3 per cent be rated and levied as directed by the aforesaid proclamation of the 9th October 1811.

Given under my hand and seal, in the Castle of Good Hope, this 20th day of November 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Memorial of MR. SAMUEL MURRAY to SIR JOHN CRADOCK.

CAPE OF GOOD HOPE, November 21st 1812.

The Memorial of Samuel Murray, Merchant, most humbly representeth,

That your Memorialist sensible of the exertions of your Excellency to promote the prosperity of this Colony, and give facility to every measure that can tend to so desirable an object, begs most humbly to submit to your Excellency's consideration the great advantages likely to result from the importation of labouring hands to meet the increased necessities of the Colonists, enlarging as the Settlement is, in extent and consequence.

This want has long since been severely felt, so much so, as to prevent a number of enterprising individuals from attempting objects that would not only be beneficial to the rising importance of the Settlement, but prove advantageous to the interests of Great Britain, the present excessive high price of slaves with the difficulty of acquiring labourers of any other class, operate as a bar to improvement, as difficulties almost insurmountable.

Under these circumstances your Memorialist begs to submit to your Excellency's consideration, as a measure likely to remedy the evils so generally complained of, the practicability of importing a certain number of Free Blacks under such restrictions as your Excellency may judge proper, and in the event of your Excellency's approval of this measure and not considering it as militating against the existing laws relative to the slave trade, your Memorialist humbly requests your Excellency will permit him to import into this Colony any limited number of Free Blacks to be apprenticed (in a similar way with the prize slaves) from fourteen to twenty-one years, according to the age or avocation they may have to follow.

And your Memorialist as in duty bound will ever pray, &c.

(Signed) SAMUEL MURRAY.

[Copy.]

Letter from the Moravian Missionaries at Genadendal to
SIR JOHN CRADOCK.

CAPE TOWN, 23rd November 1812.

HONORABLE SIR,—The undersigned Moravian Missionaries at Genadendal having obtained leave when they had the honor of waiting upon Your Excellency to renew their humble request of being allowed to build at their own expense a place of Divine

Worship at Groene Kloof, their second settlement in this Colony, and at the same time to represent to Your Excellency with respect to this last establishment some other circumstances which lately have created great anxiety among the Brethren here, they now most respectfully beg to be allowed to state the following particulars for Your Excellency's gracious consideration.

At the end of the year 1807 the Brethren established at Genaden Dal (Bavians Kloof, in the District of Swellendam) were called upon in the name of Government by letter of the 22nd December 1807 to form a second establishment for the instruction and civilization of the original inhabitants of this country at Groene Kloof, which place Government offered to cede for that purpose, pointing out the advantages of the spot intended to be given up for the establishment.

The Brethren after seriously considering this unexpected call did not think themselves at liberty to be backward in meeting the wishes of Government, and declared their willingness to form the desired establishment at Groene Kloof on condition that their superiors, being the Conference of the Elders of the Moravian Church, should approve of this measure. Soon after this the Brethren were favoured with an official letter from the late Mr. Van Ryneveld of the 8th February 1808, and another from the Secretary's Office of the 23rd March 1808, both expressing in unequivocal terms that the Government places Groene Kloof, Cruywagens Kraal, and Louws Kloof, constituting what is commonly called the Kleine Post of Groene Kloof, were ceded them for their institution, that Government had resolved to put them in full possession of this piece of ground without any reserve, and on the same tenure as the lands occupied by them and their congregation of Hottentots at Genaden Dal. In consequence of this unqualified transfer of the place and lands of Groene Kloof to the Moravian Missionaries in their capacity as teachers of the Hottentots, some Brethren have gone to work at Groene Kloof according to their established rules and customs, and under the Divine blessing have succeeded in collecting a small Congregation of Hottentots at that place, they have also, after the approbation of this new settlement by their superiors, of which they have given due communication to His Majesty's Government here, laid out a considerable sum in repairing of the buildings at Groene Kloof, and in purchasing other necessaries for the establishment,

some additional labourers have been sent out from Europe to strengthen the Mission in order to provide both settlements with the necessary teachers, and finding lately the number of their converts increase at Groene Kloof so as to render the erection of a proper place for Divine Worship and the usual assemblies necessary, they have had the satisfaction to find that the Brethren of their Church both in England and Germany are willing, at their request, to furnish them with the means of building a chapel. Gladdened and encouraged by these favorable circumstances, they resolved to prepare for the building of a chapel at Groene Kloof, and most respectfully solicited in a letter of the 22nd June last Your Excellency's sanction for the undertaking. An answer to this last application, dated the 3rd of July last, has been transmitted to them from the Secretary's Office, allowing them, it is true, the building of a chapel, yet not at the spot called Groene Kloof, but at Louws Kloof, a place at an hour's distance from the present dwelling house of the Missionaries and most habitations of the Hottentots, a place not provided with water nor with sufficient pasture for cattle, unfit therefore for a place of residence either for the teachers or the people. Moreover the last mentioned letter seems to imply that the Moravian Settlement at Groene Kloof is not considered as a permanent one by the present Government giving to understand that the Brethren provisionally and experimentally occupy those very pieces of ground the full possession of which has been granted them in the year 1808 for the purpose of their establishment, and now as the undersigned cannot doubt but Your Excellency will perceive the uneasiness and anxiety which such a declaration must have necessarily excited in the minds of the undersigned and all their Brethren, they take the liberty most respectfully to request that Your Excellency may be graciously pleased to relieve them from this state of doubtfulness and anxiety, by a gracious and authentic explication of the intention of Government in regard to their settlement at Groene Kloof, and whether they may flatter themselves with the hopes that their labours under the Hottentots will continue to be favored with such concessions from the part of Government as the labourers have hitherto enjoyed or lately solicited for, in requesting to be allowed to build a chapel at Groene Kloof.

The undersigned with all their Brethren always willing to bow

to the dispensation of their gracious Lord, will with implicit obedience submit to Your Excellency's decision, and humbly beg that this their respectful address may not be considered as a complaint of discontentment, they only have thought it their duty to endeavour to ascertain their present situation in this Colony, and especially at Groene Kloof, in order to give an account thereof to their Brethren in England and Germany by whom they are supported, and firmly relying on Your Excellency's just and gracious decision they have the honor to subscribe themselves with profound respect, etc.

(Signed) J. A. KUSTER,
J. M. P. LEITNER.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 24th November 1812.

SIR,—Herewith I transmit to you the Copy of a Treasury Minute relative to the issue of Rations to the Forces under your Command; and I am to desire that you will take the necessary steps for carrying into effect the wishes of the Lords Commissioners accordingly. I have, etc.

(Signed) BATHURST.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, 25th November 1812.

SIR,—I am directed by Lord Bathurst to acquaint you that the *Kingston* Transport, on board of which you had shipped the *Constantia* Wine, has arrived and is now delivering her Cargo.

I have, etc.

(Signed) HENRY GOULBURN.

[Office Copy.]

Letter from LORD BATHURST *to* SIR JOHN CRADOCK.

DOWNING STREET, 26th November 1812.

SIR,—The Lords of the Committee of Council for Trade having had under their Consideration your dispatch addressed to the Earl of Liverpool upon the Subject of Land Tenures at the Cape of Good Hope; I herewith transmit the Copy of a letter from the Assistant Secretary to the Council, dated the 30th September last, enclosing a Minute of their Lordships thereon; and I am to desire that your Conduct in this respect may be governed agreeably to the directions therein contained. I have, &c.

(Signed) BATHURST.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas great danger has accrued to the inhabitants of this colony from admitting of an intercourse with ships or vessels employed in the carriage of slaves; and whereas it has pleased His Royal Highness the Prince Regent to direct and command that all intercourse with slave ships should be prohibited and interdicted, without consideration of the country to which they belong:

In furtherance of His Royal Highness the Prince Regent's command, and attention to the health and welfare of the people of this colony, I order, direct, and ordain, that no vessel or vessels carrying slaves, or employed in the slave trade, shall be admitted to any intercourse with the people of this colony, or to enter into any of the ports, harbours, or creeks of this settlement or its dependencies.

And I hereby direct and ordain that any such vessel legally convicted of attempting commerce or other intercourse with the inhabitants, or entering into the ports, harbours, and creeks aforesaid, except in the case of extreme danger or necessity, to be proved by the captain or crew, such vessel and her cargo shall be confiscated. And if such vessel is driven by extreme necessity

into the ports, harbours, and creeks of this settlement or its dependencies, that then, and in such case, they shall be only permitted to trade or traffick to supply their most pressing wants, and that notice of such wants, and the name or names of the parties contracting to supply, or who have supplied the same, shall be immediately transmitted to the Colonial Office, for my information, or for that of the Governor for the time being, with an exact account of the nature of the supply sought and given, and its amount; and any inhabitant or inhabitants legally convicted of holding any other than this limited intercourse with slave ships or vessels employed in the slave trade shall, besides confiscation of all property purchased or exchanged with such ships or vessels, be liable to a fine of 1000 Rds.

All forfeitures and confiscations under this act shall be applied in the following manner: one third to the informer convicting, one third to His Majesty's Fiscal or other officer prosecuting to conviction, and the remaining third to His Majesty's Government.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal, in the Castle of Good Hope, this 27th day of November 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas J. A. Truter, Esq., Chief Justice, and J. Zorn, Esq., Landdrost of the Cape district, have, in obedience to my commands, assessed the different farmers in such proportions of chaff as it will be incumbent on them to furnish for the supply of His Majesty's cavalry during the ensuing year. I do therefore hereby think proper to notify my approbation of the abovementioned assessment, and further to direct that the several farmers herein named do deliver at the Commissary General's stores in Cape Town, on or before the 24th of April, 1813, the several quotas of chaff expressed against their names in the following list:

And if any farmer or farmers, so assessed, shall not have delivered his or their proportion of chaff on or before the above

specified day, His Majesty's Fiscal will be instructed to cause an equal quantity to be purchased, at whatever the market price may be, at the expense of such farmer or farmers, and to be delivered into His Majesty's stores.

And whereas it has been reported to me that the sum of sixteen skillings for each sack of 160 lbs., if delivered in government sacks, and seventeen skillings if delivered in the farmer's own sacks, appears to be a fair and equitable price for the same ; I do therefore hereby make known that the above sum will be paid by the Deputy Commissary General for the chaff he may receive during the ensuing year.

Given under my hand and seal, at the Cape of Good Hope, this 27th day of November 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it has appeared to me that captains of vessels and strangers, and others preparing to leave this colony, have been permitted upon accusations, complaints, and depositions, to cause the confinement of His Majesty's liege subjects and others, and to expose them in a strange country to all the dangers and inconveniences of confinement and trial. And whereas it is impossible for magistrates, commissioners of the Court of Justice, and others appointed to conduct such investigation, to ascertain the truth, until after trial, whether the parties so complaining, informing, or lodging informations, have therein acted justly, and upon just grounds, or falsely, maliciously, and without probable cause.

Be it hereby enacted, proclaimed, and declared, that all and every person, not resident in this colony, lodging a complaint, information, or deposition, upon which an arrest against the person or persons of any inhabitant or stranger is ordered and issued, and trial thereon is to take place, shall give security at the discretion of the Fiscal or Commissioners of Justice, Landdrosts, or other magistrates, as the case may be, to prosecute to effect such their information, deposition, or accusation, and provided such information, deposition, or accusation shall to the Court of Justice be

proved and decreed to be false, malicious, and without probable cause, to make adequate and just compensation to the sufferer or sufferers in costs and damages.

Given under my hand and seal, at the Cape of Good Hope, this 27th day of November 1812.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 30th November 1812.

SIR,—Your despatches to No. 36 inclusive have been received and laid before the Prince Regent.

His Royal Highness appreciates, as it deserves, the very valuable Report of the Commission from the Court of Justice inclosed in your dispatch No. 22, and entirely concurs in the Opinion which you have expressed as to the advantages which have been derived from its institution, and the indefatigable and highly useful exertions of the Gentlemen to whom its execution has been intrusted. The high character which Mr. Ryneveld always bore as a loyal subject and as an able Magistrate gave rise on the first institution of the Commission to the expectation which has since been so completely realized, that its result would be most satisfactory. His Royal Highness cannot but deeply regret the loss which the Colony has sustained by the death of Mr. Ryneveld, which has at once deprived His Majesty of a faithful subject and prevented His Royal Highness from evincing in any other manner than by His liberality to his widow the sense which His Royal Highness entertains of his meritorious Services. Of this mode however of remunerating his Attachment to His Majesty's Government, and his adherence to the interests of Great Britain, His Royal Highness gladly avails Himself, and has commanded me to direct that Mrs. Ryneveld should receive, during her life, from the of the Colonial Revenues, the same Pension which was enjoyed by her husband.

His Royal Highness is no less sensible of the merits of Mr. Truter, His Majesty's Fiscal, and has great satisfaction in approving your Appointment of that Gentleman as successor to Mr. Ryneveld.

In adverting to the various improvements recommended by the Commission, I cannot but express my regret at the very considerable expence to which they will give rise, and, on this ground, I would suggest the propriety of their gradual rather than their immediate introduction. You will naturally select for adoption, in the first instance, those improvements which appear to be of absolute necessity, and which are most compatible with the finances of the Colony.

The augmentation of the Salaries of the Landdrosts as tending to establish their independence and give weight to their Authority as Magistrates, appears to admit of least delay, and the importance of imparting to the English residents in the Colony religious instruction, points out the Establishment of an English Church at Simon's Town as deserving of immediate consideration.

It does not, however, appear advisable to sanction the building of a Church there until an Estimate of the Expence of such a Work shall have been duly transmitted and approved.

There are no doubt buildings in Simon's Town which are capable of being converted with little expence into temporary places of Worship and of such it will be expedient to avail yourself in the interim. No effort shall be wanting on my part to procure a Clergyman qualified for the Situation, and as it is proposed to fix his Salary at £300 per Annum, payable out of the Colonial Revenues, and to afford him such other advantages as are enjoyed by the Dutch Ministers at the Cape, I have little doubt of being able soon to acquaint you that he has taken his passage for the Colony.

You will not consider that I in any degree undervalue the importance of establishing Schools and Churches generally throughout the Colony, when I desire that you will at present confine yourself to their institution in places entirely destitute of all means of instruction. This restriction appears requisite in order to confine the expenses of the Colony within the limits of its receipts, a measure which I feel that I cannot too often inculcate, and which must be paramount to every improvement.

The Requisition contained in your Dispatch No. 28 has been duly attended to, and I have great hopes that some Dutch Clergymen will be ready to proceed to the Cape by the first convenient opportunity.

His Royal Highness has learnt with peculiar satisfaction the

termination of the warfare with the Kaffre Tribes, and has commanded me to signify His entire approbation of the Conduct of Colonel Graham and of all the Officers and Men employed upon that laborious and disagreeable Service. The Regulations which you have made for preventing any infringement of the Kaffre Territory, and for collecting into Villages the inhabitants resident in their vicinity, added to the vigor with which their late aggressions have been repelled, and the continued presence of so considerable a force upon their Frontier, appear well calculated to secure the Colony against future Invasion.

The improvement which you represent to have taken place in the Conduct of the Inhabitants of the Settlement towards the Hottentots and Bosjesmen is extremely gratifying, and I cannot but contemplate with satisfaction the impossibility which now exists of perpetrating with impunity any cruelties similar to those which formerly disgraced the Colony.

I cannot conclude this dispatch without congratulating you upon the complete success of Vaccination, and the consequent eradication of the small pox from the Colony, and expressing the sense which His Royal Highness entertains of your Exertions in removing the prejudices by which Vaccination was opposed and promoting its general introduction. I have, etc.

(Signed) BATHURST.

[Original.]

Letter from SIR JOHN CRADOCK *to* EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *November 30th 1812.*

MY LORD,—I have the honor to lay before your Lordship copies of two letters from Lt. General Sir David Baird and myself, relative to the payment of the balance of prize money alledged to be due to the captors of the Cape, from the Colonial Government.

I find, upon inquiry, that a letter from the Earl of Liverpool, directing the sum in question to be paid, had been written to the Earl of Caledon, but the state of the colonial treasury was not such at the time, nor has been since, in a condition to discharge this demand..

I am under the necessity to add that the late heavy expences of a state of warfare with the Kaffer nations and the greater charges arising out of the small pox, will render it impracticable for a length of time to obey this order, unless his Majesty's Government will permit me to draw upon the treasury for the amount; or that the supposed debt may be paid in England.

So little expectation was admitted here, under Lord Caledon's administration, that the claim would be successful, and so much had been entrusted to the exertions of the late colonial agent in London, in which this government had been disappointed, that the sum paid into the Colonial treasury had always been acted upon as a source of revenue, the repayment therefore of which is now become more difficult.

I avail myself of this opportunity to represent to your Lordship that the present unprecedented high rate of exchange (being from 61 to 63 and upwards) nearly $\frac{2}{3}$ more than the usual course in former years, though so advantageous to his Majesty's Government in the supply of all the extraordinaries to the army on this establishment except the Colonial Regiment, occasions a serious reduction in the supposed revenue of this colony, as the Cape Corps and civil list are all paid upon this scale. I must also add that it is a custom, very difficult to resist, to make all charges against the Colonial government upon the ratio of the exchange. I have, etc.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from SIR JOHN CRADOCK to SIR DAVID BAIRD.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *November 30th 1812.*

DEAR SIR,—I have the honor to acknowledge the receipt of your letter of the 20th May 1812, delivered to me by Major Munro, requesting that I would give directions for the payment of the balance of prize money due to the captors of the Cape, and lodged in the Colonial Treasury as notified to you by Mr. Peel, His Majesty's under secretary of state.

Rixd.	Sta.
67,705	5

I regret very much that the state of the Colonial Treasury does not empower me to answer the demand in question, for, as the sum

alluded to was always brought into account as part of the revenue, and as the late expences of a state of warfare with the Kaffer nations, and the great charges arising from the small pox, have reduced the colonial finances to the lowest degree, I have no alternative but to represent the situation to His Majesty's Government, and either to obtain permission to draw upon the treasury for the sum required, or that it may be paid in England through the same authority. I have, etc.

(Signed) J. F. CRADOCK.

[Copy.]

Return of the Troops stationed on the Frontier.

HEAD QUARTERS, November 1812.

	Field Officers.	Captains.	Subalterns.	Staff.	Sergeants.	Trumpeters and Drummers.	Rank and File.
Regiments :							
21st Light Dragoons .	1	..	2	1	3	1	51
Royal Artillery . . .	..	..	..	..	..	..	4
60th Foot	1	3	15	1	20	8	379
93rd Foot . . . .	..	..	1	..	1	..	1
Cape Regiment . . .	2	8	18	3	29	19	515
	4	11	36	5	53	28	950

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it is publicly known and acknowledged by every person in this settlement, that by the late expulsion of the Kaffer tribes, a barbarous and perpetual enemy, accomplished through the bravery and patience of the several commandos, aided by His

Majesty's forces, Divine Providence has conferred a blessing on the inhabitants of this colony, hitherto unknown, and which, if duly maintained, cannot fail to increase their wealth, and establish their security and prosperity upon foundations not hereafter to be shaken.

It is evident that all will revert to former outrage and alarm, and the great national work now so happily effected will fall to the ground, unless the ancient boundaries of the colony, and the prescribed line of separation between this territory and the Kaffer tribes, are distinctly preserved, and those treacherous people made sensible, by the array of a vigilant and respectable armed force, that not an individual of their tribes can penetrate with impunity the limits of His Majesty's territories, unless sanctioned by authority.

And whereas to support this indispensable state of preparation and activity with the least pressure upon the general mass of the inhabitants of the colony has been an object of my unceasing and anxious solicitude, and which the appropriation for so long a period of a larger body of regular troops than had ever before been applied to the frontier defence, must clearly manifest. And as in making the permanent arrangements which now become necessary, I am most solicitous that while a perfect system of security is established, the inhabitants should be relieved as far as practicable from such parts of the general inconvenience and pressure as bear most hard upon them, and which so materially interrupt the course of agriculture and other industrious avocations.

It has been represented to me by the magistrates of all the districts that if the personal services of the inhabitants could, for a time, be dispensed with, the districts would most cheerfully contribute such pecuniary supplies, according to proportionate ability, as would enable the government to pursue other means of defence, and leave the inhabitants at home to cultivate their farms and enjoy the repose they now so well deserve.

The government, in its anxious solicitude to afford relief, is willing to try the experiment, and will by a further continuance of a portion of His Majesty's troops upon the frontier, and by providing such other means as may be practicable, endeavour to relieve the inhabitants of the Cape and nearer districts from the permanent tour of commando duty. But it is always to be remembered that I cannot, and do not, hold out a continuance

of the plan now in contemplation, farther than while the same is found to answer all the important ends required, and that in any case of emergency the whole may be relinquished, and the commandos, the true and constitutional defence of the colony, again resorted to.

In thus releasing the nearer districts from the severe duties to which they are now exposed, I feel myself still obliged to require the personal services of the inhabitants of Uitenhage and Graaff-Reynet, which from local circumstances cannot be dispensed with; but as their equipment and exertions equally promote the supply, and tend to the prosperity of every part of the settlement, as to the security of their own possessions, it will be the duty of the government, (as I am convinced it will form the generous wish of the other districts), to make to them, from the means now afforded, a reasonable remuneration for the hardships and expences to which they must still be subject for the general good.

I do therefore, upon the foregoing principles, in attainment of the objects set forth, and in compliance with the expressed desire of the public, hereby ordain and command that the following respective contributions be collected by the magistrates within their several districts, in the usual manner, and in the most just proportions, according to established usage. And I do hereby further direct that this contribution is to be considered as an annual demand, to be in force during the necessity (and no longer) of maintaining a military force upon the frontier of this colony, and while the inhabitants are *bonâ fide* exempted from affording their personal services upon this description of duty.

It is to be particularly understood that the moment government sees the necessity of annulling the present arrangement and calling forth the inhabitants in arms as heretofore, that moment the district contribution is to cease.

	Rds.
Cape Town	15,000
Cape District	10,000
Stellenbosch	12,000
Zwellendam	10,000
Tuibagh	10,000
George	4,000

: Given under my hand and seal, at the Cape of Good Hope, this 4th day of December 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Memorandum by SIR JOHN CRADOCK.

7th December 1812.

I have given the best consideration in my power to the annexed application from the Moravian Missionaries at the Groene Kloof.

And in my opinion they have fully made out their claim to the possession of that place, as long as they shall choose to retain it.

I confess I am sorry for it, for though I possess much respect for institutions of this nature, as intended to do much good, yet as I think that many other situations would suit them just as well, I certainly lament to find that the very best place in the whole Colony, peculiarly to be admired for its many beauties and advantages, should be disposed of without the fullest consideration.

It would have been most desirable to have erected there a Country Residence for the Governor, and the expense would have been entirely redeemed by the fashion and value it would have conferred upon all the adjoining Farms now out of lease, which compose a very extensive district, and from every circumstance demand the best attention and encouragement from Government.

The communication made on the part, and in the name of Government, of the 22nd December 1807 and February 8th 1808, are so strong and unequivocal, that there is no other line but to keep faith with this Body and act accordingly.

(Signed) J. F. CRADOCK.

HENRY ALEXANDER, ESQRE.,
Colonial Office.

[Original.]

Letter from SIR JOHN CRADOCK *to* EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, December 8th 1812.

MY LORD,—I have the honor to reply to the Earl of Liverpool's dispatch (separate) of the 25th May, received by His Majesty's Ship *Minden* on the 15th November last, communicating the

appointment of Mr. Edwin Maude to the vacant situation of Chief Searcher of the Customs at the Cape of Good Hope.

A very peculiar embarrassment arises upon this subject, as the situation is already in the possession of Mr. Truter, appointed by commission from the Lords of His Majesty's Treasury, bearing date the 28th March 1812, a copy of which I have the honor to enclose.

It may not be unnecessary to bring to your Lordship's view the several circumstances of this case, that the present state of difficult proceeding may be the better understood.

In the month of December 1811 I reported the death of Mr. Truter, chief searcher of the Customs, to the Earl of Liverpool, one of the situations supposed to be in the immediate nomination of His Majesty's Government in England. I expected an early communication of His Majesty's pleasure, but received no notification whatever upon the subject till the 24th August 1812, when Mr. Truter, brother to the late occupant, waited upon me and produced the Commission alluded to, unattended with any letter or communication to me as Governor, and without whose authority, according to the laws of the Colony, he could not act. This was followed by an address from Mr. Truter, also enclosed.

I cannot help confessing to your Lordship I was much hurt at this mode of appointment, not indeed so much on any personal account as from feeling that it was injurious to the public service which seems to require that the authority of the Governor should not have been so totally disregarded in the appointment of any person to a very confidential and active employment; and the more especially as I thought it my duty to represent that the affairs of the custom house required much attention, a want of which had already been adverted to and complained of by the Lords of the Treasury.

Expecting that by every succeeding arrival I should receive some corresponding communication from the Secretary of State's office, I declined to give the necessary authority to Mr. Truter, and had resolved to delay till some regular notification was transmitted to me.

At length, from not hearing any more upon the subject, and concluding that the appointment of Mr. Truter by a commission from the Lords of the Treasury could not be unknown to the Earl

of Liverpool, and therefore acquiesced in from the silence that prevailed, I yielded my objections, and wishing to shew my respect to any mandate from the Treasury I gave the necessary orders for placing Mr. Truter in his situation. I was indeed the more called upon to do it as I learned that all the appointments in the custom house had appeared in the same manner, through a commission from the Lords of the Treasury.

In this situation Mr. Edwin Maude arrived the other day, and however anxious I must be above all other considerations, and gratified exclusively to promptly obey every order I may receive from His Majesty's Secretary of State for the Colonial Department, whose authority I am bound by my instructions alone to acknowledge, yet such is the force of this peculiarly embarrassed case that I have judged it best to leave it open till I am honored with your Lordship's future commands.

In the mean time I have given directions that the salary should be divided between these two gentlemen, and that Mr. Truter should continue to do the duty as he had been actually in possession of the employment. That both should officiate was impracticable.

What I have done will I hope meet with your Lordship's approbation.

I have the honor to annex a letter from Mr. Truter, to whom it would be injustice not to state that he is a very excellent man and of a most respectable and numerous family in this Colony.

I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *December 8th 1812.*

MY LORD,—I have the honor to acknowledge Your Lordship's letter of the 3rd July, delivered to me by Mr. Turr, recommended by your Lordship to fill the vacant situation of rector of the grammar school in this colony.

I beg your Lordship will accept of my best thanks for the

attention you have given to this important and very interesting subject, and I have every reason to believe that Mr. Turr will prove a valuable acquisition. A general system of education has been lately extended throughout this settlement, and a person to preside over the principal seminary at Cape Town was peculiarly required.

It had been my object to have procured an English gentleman, as I conceive it to be of the highest importance that pupils of the higher classes in this colony should make equal progress in the English as well as Dutch language; but Mr. Turr's qualifications seem, in every other respect, so satisfactory, and he appears so sensible of the value of the acquisition of the English language, that I feel assured, under the regulations I shall enjoin, this material point will not be neglected. I have, etc.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from SIR JOHN CRADOCK to F. E. TURR, ESQRE.

GOVERNMENT HOUSE, *December 8th 1812.*

SIR,—I have given directions for placing you in the situation of Rector of the Grammar School in Cape Town, and from the high authority under which you were recommended to me, and the strong testimonials you have communicated of the excellence of your private character and the extent of your literary attainments, I have no doubt of the propriety of the appointment, and that it will equally reflect credit upon yourself and promote the prosperity of this Colony in her dearest interests: an improved system of liberal education.

I feel it scarcely necessary to point out to you that I am anxious you should upon all occasions pay the utmost attention to whatever instructions you may receive from the members of the School Commission, as not only proceeding from Gentlemen of the highest consideration for learning and every other valuable quality, but eminently distinguished for their zeal and exertions to extend the general welfare of this Settlement.

I have now, Sir, to convey to you a particular point of instruction on my own part, which, in my opinion, were I to dispense

with, I should neither do my duty to the English Government nor provide for the future interests and advancement of this Colony.

It is to promote and establish the cultivation of the English language to the greatest extent among your pupils of the highest rank, as the foundation upon which they will in their future life best make their way, not only within this Territory, but beyond its limits, in the general range as common subjects of His Majesty's Dominions.

Were I even to confine myself to the narrow view of this Settlement alone, and the transaction of the various business, I think it my duty to say that from the rising generation I must exact a perfect knowledge of the English language, as indispensable in the admission to offices; but when I indulge in the warmest expectation that this Colony will ever remain inseparable from the British Crown, and that one common lot will attach to the subject in Africa or England, I cannot conceal the ardent wish that every young Gentleman of family or promise should understand that language which prevails in the parent country, and will best open the road to his future advancement and distinction.

From these reasons I candidly confess that I originally wished to have placed an English Gentleman in your situation, but I am now equally ready to allow that I incline so much to the persuasion of your merit and qualifications for the honorable appointment you fill, that I feel nothing but satisfaction and assurance that in no one respect I shall have cause to repent the selection.

I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *December 11th 1812.*

MY LORD,—I have the honor to submit to your Lordship a Memorial from Mr. Samuel Murray, a respectable Merchant of this Colony, relative to the admission of a limited number of free

blacks whom he is desirous to introduce from the Portuguese settlements, and I also annex an explanatory statement which I required from him.

In any measure of this nature that might in its consequences affect or encourage the slave trade, I shall take no step whatsoever until I receive your Lordship's instructions.

Anxious as I must feel myself for an apparent advantage to this Settlement, I cannot profess myself an impartial judge upon the present subject, as certainly nothing is wanting to ensure the prosperity of this Colony to the utmost degree but an augmentation to its population, and especially of the laborious classes of the community.

It may also be justly urged in favor of this measure, that regulations may be easily adopted to ensure the proper treatment of these free blacks after their arrival, and certainly their condition in life will be much amended; but whether the purchase on the part of the Merchants here from their masters at Rio Janeiro and elsewhere may not in the whole view of the subject and all its connections tend to encourage and support the slave trade generally, I submit to your Lordship's more comprehensive consideration. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *December 12th 1812.*

MY LORD,—I request permission to solicit from your Lordship an answer to former representations from this Government relative to a reduction of the duty imposed in England upon the importation of the Wines, the growth of the Cape of Good Hope, and which I believe is as high as that levied upon the produce of all other countries except France.

It seems to be a peculiarly favorable moment to urge this request on behalf of this Colony, the only part of His Majesty's dominions which produces wine, as the extraordinary and increasing price of all the wines usually drunk in England will soon preclude the consumption, except in the most opulent families.

The distance of this Colony and the consequent heavy charge of freight renders it impossible for the merchants here to vie with those countries, though not subject to His Majesty, which are more contiguous; and unless the duty be somewhat lowered a fair competition cannot take place.

If the situation of this Colony be viewed with indulgence, I will venture to assert that in a very short time wines will be sent to England of various sorts that shall meet with general approbation, and stand in the place of those at the present moment scarcely attainable. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to* EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *December 18th 1812.*

MY LORD,—Together with the Accounts of the Receiver General for the months of April, May, June, July, August, and September last, I have the honor to transmit the several Proclamations and Government Advertisements issued since the 14th of August last. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to* EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *December 18th 1812.*

MY LORD,—I avail myself of the return of the *Porpoise* Store Ship to forward to your Lordship twenty-five whole aams of Constantia Wine. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from THOMAS LACK, ESQRE., *to* HENRY GOULBURN, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,

WHITEHALL, 18th December 1812.

SIR,—The Lords of the Committee of Council for Trade and Foreign plantations having had under consideration the Copy of a dispatch which has been received from Sir John Cradock, dated the 4th of August last, with copies of the several enclosures therein referred to (transmitted in your letter of the 13th ultimo) respecting the inexpediency of continuing the wine license at the Cape of Good Hope, I am directed to acquaint you for the information of Earl Bathurst, that on an attentive perusal of the said papers their Lordships were naturally led to revert to the opinion which the Lords of the Committee expressed upon a similar occasion in their Minute of the 18th March 1811, in order to see whether the recent communication upon the subject was of a nature to induce them to depart from the sentiments which had been formerly entertained by the Committee.

Their Lordships are sensible of the advantages of local knowledge and information upon a question of this nature, and are much disposed to allow due weight to the opinions which have been conveyed to Sir John Cradock by the individuals of whose advice he has availed himself. But they are nevertheless disposed to adhere to that view of the case upon which the above mentioned minute was founded.

It appears to their Lordships that there are three leading circumstances in the consideration of this subject, viz. the morals of the people, the interests of the agriculturists, and the promotion of the Revenue.

These objects are naturally in many points contradictory and at variance, and what is calculated to promote the one may frequently be an injurious restriction upon the other; whatever restriction therefore it might be deemed expedient to place upon the manufacturer of Wine at the Cape of Good Hope should, (as is the case in all countries where the principles of taxation are properly understood) be of a nature to check an excess of consumption by adding something to the ordinary price without diminishing the Revenue in consequence of an imposition of so high a duty as would tempt the grower to an illicit manufacture of the article.

In order to render **this principle** available to its full extent, it should seem to be essential that every species of monopoly ought to be removed, and that the trade should be left to find its natural level. Unless this latter system be acted upon, their Lordships are extremely apprehensive that no other mode of encouragement would tend to increase the quantity, and above all to amend the quality of the wine produced at the Cape of Good Hope.

The system upon which the Wine Licenses are at present granted appears to their Lordships to be calculated to check any improvement in the quality of the Wines made in that Settlement, and consequently to retard its advancement to that prosperity which on many accounts it appears eminently calculated to attain. It is indeed probable that a departure from the existing system might in the first instance and for a limited period be followed by a diminution of the Revenue, but as their Lordships are not prepared to recommend an absolute cessation of all Duty upon Cape Wine, they entertain sanguine hopes that no great length of time will elapse before the advantages of that freedom in the sale of it, which they are disposed to recommend, would be manifested by an increase of the quantity and an improvement in the quality of the Wine.

Upon the whole, therefore, their Lordships are of opinion that it would be advisable, if possible, to substitute some new mode of raising a Revenue upon the Cape Wine without having recourse to the present system of Wine Licences; and altho' their Lordships feel some difficulty in determining what would be the least objectionable mode of accomplishing this object; they however think that the interests of the Colony would in every respect be materially promoted, if the means could be found of establishing a duty upon wine in the nature of an excise duty, varying in its amount according to the quality and market price of that commodity in its several branches; and of protecting at the same time the article by a drawback upon its exportation to foreign parts.

A further encouragement might perhaps be given by imposing a duty upon wines imported into the Colony. Their Lordships however are persuaded that no such encouragements would produce any essential effect, unless they were accompanied by a free market and open competition, which seem to be incompatible with the present system.

Licenses of some description would undoubtedly be necessary as a matter of police, and a moderate but fixed duty might be properly taken upon them, more however with a view to secure the responsibility of the retail dealer for his general conduct, than as a means of augmenting the revenue.

If, finally, the local authorities at the Cape of Good Hope should find it impracticable at present to act upon the principles thus laid down, their Lordships trust that they will always bear in mind that the manufactures of an infant Colony can never come in competition with similar articles of manufactures of established and acknowledged Excellence so long as they are fettered with restrictions and cramped by monopoly. I am, &c.

(Signed) THOMAS LACK.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 23rd December 1812.

SIR,—Mr. Barrow has communicated to me the Circumstances under which you conferred upon Mr. Truter, Junr., the Office of Searcher of the Customs at the Cape notwithstanding the irregularity of the mode in which the Appointment was communicated to you, and as you must have long since received Lord Liverpool's letter intimating the regular Appointment of Mr. Maude to that Situation, you will undoubtedly have cancelled the original Appointment in favour of the latter Gentleman.

I cannot but be sensible of the disappointment which Mr. Truter must have sustained, and, although I cannot interfere with the arrangements made by my Predecessor with respect to the Situation in question, I am most anxious to afford him some compensation, and I shall willingly attend to any Recommendation which you may feel disposed to make of Mr. Truter to any other Office which may become vacant in the Colony, and in which you may consider it advantageous to have the benefit of his Services.

I have, etc.

(Signed) BATHURST.

[Office Copy.]

'Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 26th December 1812.

SIR,—Herewith I transmit to you the Copy of a Letter from the Secretary to the Admiralty dated the 18th Instant, with the Papers therein referred to, respecting the removal of the Naval Establishment at the Cape of Good Hope from Cape Town to Simon's Bay; and I am to desire that you will afford every assistance in your power to this measure, which with regard to general convenience and economy is equally to be desired.

I have, &c.

(Signed) BATHURST.

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope for the year 1812.

REVENUE:

								Rds.	skil.	st.
	Balance	.	.	.	.	.	.	21,287	7	2½
Lombard bank	.	.	.	.	.	.	.	84,778	3	1
Ditto (repayments)	.	.	.	.	.	.	.	220,799	2	2
Discount bank	.	.	.	.	.	.	.	23,207	1	0
Vendue duties	.	.	.	.	.	.	.	90,263	2	5
Customs	.	.	.	.	.	.	.	92,661	7	4
Land revenue	.	.	.	.	.	.	.	119,468	5	3
Tithes and transfer duties	.	.	.	.	.	.	.	185,634	4	5
Stamps	.	.	.	.	.	.	.	71,314	3	0
Sequestrator's department	.	.	.	.	.	.	.	9,475	4	4
Printing department	.	.	.	.	.	.	.	29,738	7	3
Port dues	.	.	.	.	.	.	.	2,353	2	0
Postage	.	.	.	.	.	.	.	6,298	7	0
Fines	.	.	.	.	.	.	.	556	7	2
Fees of offices	.	.	.	.	.	.	.	44,274	5	3
Do. wine taster's department	.	.	.	.	.	.	.	4,701	2	4
Rent of a mill	.	.	.	.	.	.	.	216	6	3
Tolls	.	.	.	.	.	.	.	5,282	5	0
New paper money	.	.	.	.	.	.	.	200,000	0	0
Miscellaneous receipts	.	.	.	.	.	.	.	23,343	0	5½
							Rds.	1,235,657	6	5½

EXPENDITURE:

	Rds.	skil.	st.
Civil list, sterling salaries	213,637	5	0 $\frac{1}{2}$
Colonial salaries	295,276	1	4
Public buildings (erection of new and repairs of old buildings, including waterworks, &c.)	109,367		0
Cape regiment	127,360	3	1
Pay of Hottentot captains	824	1	0 $\frac{1}{2}$
Expenses of offices	17,404	7	0
Criminal prisoners and convicts	10,144	0	1
House rent and lodging money	2,000	0	0
Vessels and boats, purchase money and repairs of ditto, in- cluding charges of the harbour master's departments at outposts	11,783	7	2
Repair of the wharf	932	6	0
Buckbay and Grootepost establishments	1,347	7	5
Frontier service	21,467	1	0 $\frac{1}{2}$
Government Constantia wine	4,882	4	0
Commission of circuit	8,000	0	0
Timber.	401	4	0
Roads and bridges	13,762	0	0
Burgher Senate, on account of interest	8,250	0	0
Do. in reimbursement of expenses incurred, &c.	4,046	6	0
Lombard bank	240,000	0	0
Miscellaneous expenditure	77,391	0	3
Balance	67,377	6	5 $\frac{1}{2}$
	Rds.	1,235,657	6 5 $\frac{1}{2}$

(Signed) J. W. STOLL, Rec^r Gen^l.

MISCELLANEOUS RECEIPTS:—1812.

	Rds.	skil.	st.
Fiscal's department, the amount of expenses refunded by several masters whose slaves were criminally prose- cuted and afterwards returned to them	440	3	0
Burgher Senate, on reimbursement of the money advanced to them for the repair of the roads	4,800	5	2
Landdrost of George, the amount twice paid to the postholder Ferreira	216	0	0
Colonial paymaster, the balance of his account with govern- ment	7,886	0	3 $\frac{1}{2}$
Collector of customs, the amount advanced to him on ac- count of the prize negroes, landed from on board the <i>Restaurador</i>	10,000	0	0
Total Rds.	23,343	0	5 $\frac{1}{2}$

(Signed) J. W. STOLL, Rec^r Gen^l.

SUNDRY EXPENDITURE:—1812.

	Rds.	skil.	st.
Mr. Dixon, in reimbursement of certain import duties .	50	0	0
Messrs. Pohl & Co. an advance to them as contractors to supply His Majesty's government with 3,000 barrels of salt beef	25,000	0	0
J. Meinent, in payment of cooper's work	336	0	0
Lieut. Col. Foster, aide-de-camp, in payment of a quantity of furniture bought for the use of government house .	6,950	2	5
C. Blair, Esq. collector of customs, on account of the expenses attending the negroes landed from on board the <i>Restaurador</i>	10,000	0	0
W. Shield, Esq. in consideration of his having given up in favour of government the right of a passage through the avenue of Newlands, which he as the possessor of the place the Vineyard had, or pretended to have .	451	4	0
Mr. Russouw, in reimbursement of certain transfer duties .	41	5	0
Mr. Folg, for clothing supplied to the negroes apprenticed to the resident at Plettenberg's Bay	283	2	0
Lieut. Col. Foster, aide-de-camp, sundries for government house	1,419	7	4
Mr. P. Brink, expenses incurred on account of the Ambassador from the King of Johanna	993	5	0
Messrs. Pohl & Co. an advance as before	25,000	0	0
Premiums at the farming of the wine and spirit licences .	1,035	0	0
Mr. Gawtrop, for surveying Camp's and Gordon Bays .	368	4	0
Commissary General, the difference between the purchase money of a waggon, and the amount for which the same has been sold at Graham's town	388	4	0
Captain Smart, Royal Engineers, pay of the men employed in sinking a well at Green Point	62	4	2
Mr. Schultz, tools for the stone quarry at Robben Island .	726	5	0
Captain Smart, Royal Engineers, as before	96	4	4
Receiver of land revenue, the amount of rent due on loan places, collected by the Landdrost of Uitenhage, and paid by him to the paymaster of the Cape regiment, the said sum having been repaid to the Treasury by the late acting colonel paymaster	4,187	0	0
Total Rds.	77,391	0	3

(Signed) J. W. STOLL, Rec^r Gen^l.

*Return showing the Population and Cattle in the Possession of Individuals at the Cape of Good Hope
in the Year 1812.*

	CHRISTIANS:					HOTTENTOTS:				SLAVES:				CATTLE:									
	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Servants.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Wagon and Saddle Horses.	Breeding Horses.	Draught Oxen.	Breeding Cattle.	Wethers.	Breeding Sheep.	Spanish Sheep.	Goats.	Asses.	Pigs.
Cape Town . .	3,646	& do	3,666	& do	..	241	& do	198	& do	5,195	& do	3,256	& do	..	..	..	..	..	..	..	..	..	..
Cape District . .	442	348	298	405	78	278	174	298	147	2,156	423	601	357	1,872	2,928	9,488	5,757	4,031	9,223	1,486	7,875	167	429
Stellenbosch . .	1,162	867	823	1,097	..	340	244	457	211	4,039	874	1,764	832	4,537	4,197	16,143	4,173	71	29,679	250	14,420	23	582
Swellendam . .	1,172	1,082	736	1,223	10	617	343	565	364	1,217	317	775	271	2,109	9,359	11,068	18,101	4,351	89,943	2,674	60,036	3	666
Graaff Reinet . .	1,608	2,047	1,188	2,049	..	1,622	1,218	1,895	1,281	965	201	627	198	2,972	6,387	16,132	60,142	2,956	1,042,099	1,745	91,010	..	23
Uitenhage . .	631	807	468	719	..	608	580	739	516	331	74	251	73	385	856	7,287	27,373	117	286,066	..	50,216	..	..
Tulbagh . . .	1,048	960	725	1,110	2	1,144	841	1,174	899	1,581	590	904	555	3,425	8,172	13,698	20,422	14,687	296,444	34,613	68,948	1	969
George . . .	625	537	536	574	18	534	581	671	580	567	274	374	265	865	2,280	10,448	22,573	1,588	40,376	244	30,967	1	307
Total . . .	10,334	6,648	8,440	7,177	108	5,374	3,981	5,997	3,998	16,051	2,753	8,552	2,551	16,105	34,179	84,264	158,541	27,801	1,793,830	41,012	323,472	195	2,976

Return showing the State of Cultivation and Quantity of Land occupied at the Cape of Good Hope
in the year 1812.

	MUIDS SOWN:				MUIDS REAPED:				VINES.	Leaguers of Wine.	Leaguers of Brandy.	Waggons.	Carts.	Freehold Places.	Loan Places.	LANDS IN FREE-HOLD:				LANDS IN QUIT-RENT:		
	Wheat.	Barley.	Oats.	Rye.	Wheat.	Barley.	Oats.	Rye.								Places.	Morgen.	Roods.	Places.	Morgen.	Roods.	
Cape Town .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	506	469	..	5	556
Cape District .	3,026	879½	2,638	57	23,098	11,448½	9,435	132	1,590,078	1,044½	25	494	86	26	65	132	139	..	..	2,087	102
Stellenbosch .	5,082	718½	2,296	128½	48,384	13,724	26,181	575½	14,786,018	9,259	634½	1,135	113	..	96½	350	213	17,149	465	1,356	563	
Swellendam .	2,639½	928	123	5½	38,118½	15,955½	2,019	36	800,401	218½	69½	839	45	..	428	75	..	..	..	1	..
Graaff Reinet .	299½	236½	..	..	7,855	5,416	..	..	405,394	79½	15½	1,303	20	..	401	1	69	..	..	..	..
Uitenhage .	286½	99½	7½	..	5,092	1,311	125	..	107,900	6½	1½	527	7	..	146	..	..	..	..	..	..
Tulbagh .	3,161	820½	479½	238½	41,445½	15,037	6,034	1,221½	1,217,313	486½	88½	1,098	126	14	615	25	35	2,098	..	12	..	
George .	848½	335½	23½	1	9,010	3,156½	54	7	819,342	184½	99½	530	18	..	230	8	..	..	..	22	..
Total .	13,343½	4,018½	5,567½	430½	173,002½	66,048½	43,848	1,972	19,726,446	11,279½	933½	5,926	415	40	1,981½	591	456	19,753	934	23	3,460½	1,221

[Original.]

Letter from GEORGE HARRISON, ESQRE., *to* HENRY GOULBURN, ESQRE.

TREASURY CHAMBERS, 7 January 1813.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 9th of November last respecting the issue of £5000, for the purchase of various stores for the supply of the Colony at the Cape of Good Hope, I have it in command from their Lordships to acquaint you for the information of Earl Bathurst that a warrant has been prepared for the issue of that sum out of Army Extraordinaries to the Colonial Agent of the Cape of Good Hope for the purposes in question, and I am to acquaint you that My Lords are of opinion there is no objection to the mode suggested of repaying this money, and that on all future occasions where the Civil Government of the Cape may require funds in this country for providing any articles for colonial objects or purposes, the amount should be paid over by the Civil Government to the Commissary for the extraordinary service of the Army, who will be instructed to give his bills for the amount upon this board at the current rate of exchange. I am further to transmit to you for his Lordship's information a copy of the account of the monies advanced out of army extraordinaries to the agent of the Cape in this country for colonial purposes, and to acquaint you that My Lords are of opinion that the amount of all such advances should be paid by the Colonial Treasury of the Cape to the Commissary there, taking his receipts in triplicate for the amount and transmitting two of such sets of receipts to this board for their Lordships' information and in order that the Commissary may be duly put on charge for the amount. I am therefore to desire you will move his Lordship to convey the necessary instructions upon these points to the Government of the Cape.

I am etc.

(Signed) GEORGE HARRISON.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas by Proclamation bearing date 29th September 1809 His Excellency Du Pré Earl of Caledon, by virtue of the power in him vested did order and direct that at the expiration of six months from and after the issuing of the abovesaid Proclamation certain duties to be rated and collected on all Goods, Wares, and Merchandize not of the growth, produce, or manufacture of Great Britain and Ireland; and whereas His Majesty taking into His Royal consideration the present state of the trade, commerce, and revenue of this Settlement and its Territories and Dependencies, is pleased, by and with the advice of His Privy Council, to revoke so much of the Order in Council of the 12th April 1809, of which a copy is published in the said Proclamation of the 29th September 1809, as exempts Goods, Wares, and Merchandise, the growth, produce, or manufacture of Great Britain or Ireland, from duty; and whereas His Majesty has been further pleased to declare that it shall and may be lawful for the Governor of the said Settlement and the Territories and Dependencies thereof for the time being to impose a Duty of three per cent on all Goods, Wares, and Merchandize of the growth, produce, or manufacture of Great Britain or Ireland, which shall be imported into this Settlement, or its Dependencies, from any part of His Majesty's Dominions, in British built vessels, owned and navigated according to law, without any abatement or deduction whatsoever, except of so much as the duties payable on the importation thereof under the authority aforesaid, shall amount to.

I therefore, in pursuance of the said order, and by virtue of the powers and authority in me vested, order and direct that at the expiration of Six months from and after the issuing of these presents, on all Goods, Wares, and Merchandize, of the growth, produce, or manufacture of Great Britain or Ireland, which shall be imported into this Colony and its Dependencies, in British built Vessels, owned and navigated according to law, a Duty of three per cent shall be paid, to be rated and collected in the same manner as by a Proclamation bearing date 9th October 1811, all other duties are directed to be levied, rated, and collected, notwithstanding any exemption or exemptions therein made.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal in the Castle of Good Hope, the 8th day of January 1813.

(Signed) J. F. CRADOCK.

[Copy.]

*Circular Letter to the Clergymen of the Reformed and
Lutheran Churches.*

GOVERNMENT HOUSE, 14th January 1813.

REVEREND SIR,—With much anxiety, I beg to call your most zealous attention to the late Proclamation of the 9th October, 1812, whereby the Resolution of the Council of Batavia, dated the 10th April, 1770, which, in its consequences, so much obstructed the progress of Christianity, is repealed.

Therefore, as the law stands at present, should a slave be converted to Christianity, the authority, power, and property of the Master remain unaltered, and he is at liberty to transfer him to another, in the same unlimited manner as before.

It is superfluous to a Person of your knowledge of human nature and reflection to state the motives that have led to the repeal of this Resolution; and I have only to add, that the suggestion came from one of the most pious and active of your Sacred Profession, and that the measure has been approved and encouraged by your highest and most enlightened Lawyers.

To your zeal in the glorious and universal cause of Religion, and that the inestimable benefits of Christianity may be as widely extended as possible, I now confide this interesting subject, and while your own good feelings incite you to deplore the unequal lot of man, that so large a portion of your fellow creatures should remain in perpetual servitude and privation, “Administer to yourself this consolation,” that, although their lot is dreary in this world, “you have opened the way to the Redemption of their Misery, and the attainment of Everlasting Happiness in that to come.”

In the pursuit of this object, I am however averse to any proceeding that will bear the most remote appearance of constraint or

compulsion. To both parties, the master and the slave, I would wish that the whole view was that of undisguised invitation, and that each was made sensible that it is the interest of the one, and the condition of the other, which it is our aim alone to advance and improve.

It seems only necessary to explain to the master, that in his Christian slave, he cannot fail to have a more intelligent, faithful, industrious, and attached servant. And let the hitherto "Outcast Slave" be made acquainted that, in conformity to our religion, and from the moment that the power of Christianity has spread its divine influence, his Christian master cannot do otherwise than receive him into a closer and more endeared connection.

To crown the whole of your pious endeavours, I will solicit you in the most fervent manner, to appear in your pulpit as the eloquent and avowed supporter of that great work of this Government, enjoined by the high command of His Majesty, "That all classes of the community shall be held under the equal protection of the law"; and, while the due subordination of ranks and orders is rigidly upheld, that "all self assumed distinction," contrary to nature and the voice of God, and the source of every evil, in this Settlement shall be cast aside.

The Government and the Magistracy have been long united to enforce these just and first principles, and I am fully persuaded that the Reverend Body, to whom I now address myself, will gladly put themselves at our head, and by their resistless persuasion subdue false prejudices and long accustomed errors.

I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *January 18th 1813.*

MY LORD,—I have the honor to forward to your Lordship the required Certificate of the Death of Captain Bunbury of the 52nd Regiment.

reached me, and the Duplicate of Mr.

Peel's Letter of the 31st January 1812 only came into my hands on the 28th of December, having been carried on to the Isle of France in the *Henry Wellesley* Store Ship. As this was the case also with other Dispatches, I trust I shall stand excused by your Lordship for any apparent delay. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

*Report of the Commission of Circuit for the Districts of
Graaff-Reinet, Uitenhage, and George.*

TO HIS EXCELLENCY LIEUTENANT GENERAL SIR JOHN
FRANCIS CRADOCK.

SIR,—Your Excellency having been pleased by written Mandate under your Hand and Seal, dated the 26th August last, issued to the late Mr. Lambert Christian Strubberg and the first Undersigned, Members of the Worshipful the Court of Justice, in order agreeably to Government's Proclamation of the 16th May 1811, to constitute a Commission for administering Justice in the respective Districts of Graaff-Reinet, Uitenhage, and George, thereby authorizing and directing them to proceed to the said Districts and there successively try Civil and Criminal Cases, in such manner as is more particularly prescribed in said Proclamation; in compliance therewith the said Commission commenced their Journey from Cape Town the 23rd of September last, and visited the said Districts of Graaff-Reinet, Uitenhage, and George, at each of which they tried, and as far as possible decided the different Cases brought before them, keeping always in view that form of proceeding which the Commission conceived most conformable to the tenor of the said Proclamation and to the fixed Principles of the Laws in observance in this Colony, after which they returned to Cape Town on the 15th January last.

Having proceeded from Town, the Commission arrived at Graaff-Reinet on the 13th October, and having there opened the Session on the 15th, it was closed on the 21st following.

The Commission proceeded from thence over Bruyntjes Hoogte, Grahams Town, the Zuurveld, and the Adou, and on the 3rd of November arrived at the Drostdy of Uitenhage, where having

opened the Session on the 5th, and the multiplicity of cases which were to be prosecuted there, as well by the Landdrost as by Mr. G. Beelaerts van Blokland, conformably to Your Excellency's special qualification by Letter of the 31st July 1812 to act in some Cases as Prosecutor, being brought before the Commission and closed, they on the 3rd of September left said Drostdy, and after visiting Plettenberg's Bay arrived at the Drostdy of George on the 15th following, where the Session being opened on the 17th and closed on the 5th January, the Commission arrived in Town as above mentioned on the 15th of the same month.

Agreeably to the 36th and 55th Articles of the said Proclamation the Commission caused two copies to be made of the Records kept of the Proceedings, one of which was lodged in the Secretary's office of each District, for as far as it related to the same, and the other deposited wholly in the Secretary's office of the Court of Justice.

In the mean time the undersigned have the honor to annex sub No. 1 a List of all the Criminal and Civil Cases which have been brought before the Commission at the above Drostdies, in the margin of which is noted the result of each case, whether by Judicial decree or Sentence; the whole of the Records held by the Commission being too voluminous to annex to this Report, are however always at Your Excellency's disposal in the Secretary's office of the Court of Justice, in order to be examined in detail, should any of the cases mentioned in the said List attract the particular attention of Your Excellency.

The Proclamation of the 16th May 1811 having formed the groundwork of the duties of the Commission they, in compliance therewith, after the different proceedings were closed, directed their attention to what is particularly prescribed in the 53rd and 54th and also in the 62nd and 66th Articles of the said Proclamation, or whatever else could be considered as any wise connected therewith.

In the records kept of the Proceedings at each Drostdy, annotations were made of what appeared to the Commission that those particular Articles related to, such as 53 and 54 the execution of Civil Sentences or decrees of the former Commission, 63 the observance of the Proclamation of the 1st November 1809 respecting the treatment of Hottentots, 64 and 65 the punishment of Slaves, 66 the examination of Coroners' inquests, Notarial Acts, &c.

Of this Record the Undersigned have the honor to annex Copies, sub Nos. 2 to 7, and to which they beg leave to refer for the Particulars.

The undersigned will now take the liberty to make some observations which occurred to them to deserve the attention of Your Excellency, and in the first place with regard to the Administration of Justice.

1. The Circular Letter which was last year, after the Report of the first Commission, addressed by Your Excellency to the respective Landdrosts, and which was communicated to the undersigned on their departure by the Chief Justice, appears to have answered the beneficial intentions proposed, by impressing on the minds of the Landdrosts that the maintenance of *equal right* and *equal protection* to all classes of society forms the basis of His Majesty's Government, and the undersigned dare confidently attribute thereto that the Landdrosts begin to perceive that their judicial situation constitutes the chief point of their duties, and that to cause *justice* to be done to all, without respect to persons, is the real motive and intention why Magistrates are appointed and have been augmented in the country districts of this Colony; and although the Landdrosts, the one more the other less, entertained a degree of anxiety respecting the manner they should proceed in criminal cases, which is not to be wondered at in men who are yet deficient in experience of the forms to be observed, the undersigned can however with confidence assert that they have found in them all an industrious zeal to acquit themselves of their duties with honor and fidelity, and they dare confidently say that through the yearly proceedings before the respective Commissions, the Landdrosts will soon acquire a legal knowledge, especially if they make the records of the former, and more particularly those of the present year, in which such a great number of different cases have occurred, a repeated subject of their study, which cannot fail of making men gifted with a sound understanding and possessing a sense of their duty, familiar with those forms which in the administration of justice are necessary on the one hand to prevent them allowing themselves to be cajoled by wicked criminals, and on the other hand to deprive the accused of the means of defence.

The undersigned therefore dare safely recommend to Your Excellency that this important point of duty should be again

strongly impressed on the minds of the respective Landdrosts, whereby the Commission have not the smallest doubt but that the faults will daily decrease, in which respect they are the more sanguine in their hopes from experience, and especially with regard to the Landdrost of Uitenhage, Major Cuyler, to whom naturally our forms of proceeding must be the most strange, who has already evinced great ability in conducting his criminal prosecutions and a very sound judgment in investigating into the truth.

2nd. The publicity of the proceedings before the Commission, as prescribed by the Proclamation of the 16th May 1811, has appeared to the undersigned to have the most beneficial effects, not only because this public mode of trial in general carries with it a certain dignity, but it has also the advantage of disseminating among the hearers, who are induced to attend the Courts either from curiosity or interest, ideas, which for want of opportunity they are not familiar with, and by enabling them to learn the application of the laws, of imparting to them a more distinct knowledge between justice and injustice, and at the same time of imprinting on their minds a perfect confidence in the administration of justice and the measures of Government as every one can now see and must feel conviction in himself that the whole art of Government consists *in doing justice to all*, while also the different witnesses, who are obliged to appear in each case before the Commission, must by this public mode of trial be the more strongly incited to speak the truth, as their fellow inhabitants see and hear them; and therefore, that if false witness might have a tendency for a moment to screen the crime from its well deserved punishment, or to attach it to the innocent, and even if such for a short time might be pleasing to any of the interested parties, in the end it cannot be attended with anything else than a reproachful conscience and a fear of Divine Justice, accompanied with the contempt and even curses of their fellow Colonists.

In one case the Commission however took the liberty to deviate from this useful measure, in the case of the Landdrost of George contra the Caffer of Justice Anthony, who was tried for an unnatural crime; in which case as the hearers were composed of all sexes and ages, the Commission deemed it advisable to have the investigation made in close Court for the sake of modesty and decency, and for which deviation from the Letter of the Proclamation the undersigned respectfully request Your Excellency's excuse.

With the exception of such cases or others which public interest might require to be kept secret, we cannot sufficiently recommend the publicity of trial, and we submit to Your Excellency's consideration what measures might be adopted in Town towards giving a greater degree of publicity to the proceedings of the Court here than has hitherto been the custom, and at the Drostdy of Stellenbosch, where such is not at all observed, and also through means of the press to diffuse a better knowledge of judicial decisions in general.

3rd. The preparatory information which must be obtained in the interim between the successive Commissions on the different cases which may occur forming the ground work of the criminal prosecution which is to follow either before the Court in Town or before the Commission of Circuit, it speaks for itself that the obtaining of such preparatory information must be considered as an object of the greatest importance, not only with the Landdrosts, but especially with the Secretaries of the Country Districts, who should be aware that on their attention and accuracy in drawing up such informations, greatly depends the proper investigation of the truth, and that the whole of the subsequent prosecution must be commenced thereon, and if necessary be completed in such manner as to enable the Judge to pronounce sentence on the same.

In this respect the undersigned cannot avoid doing justice to the former Secretary of Uitenhage, Mr. Knobel, by saying that of all the Districts visited by this Commission the informations collected by him were drawn up with more attention and judgment, and better calculated to answer the proposed intention than any of the others, a new proof that nothing but zeal and application are wanting to attain capability, even in a line in which one has not been brought up.

The undersigned therefore are humbly of opinion that it would be useful from time to time to impress on the Secretaries of the respective Districts the importance of this part of their duty and the responsibility attached thereto.

4th. The district's clerks who, agreeably to the Proclamation of the 16th May 1811, have in fact been established for the management of civil cases to be brought before the Commission, and to which they are confined by their instructions, could notwithstanding now and then assist the Landdrost under whom they may be, in criminal cases, and the undersigned did not perceive

the smallest unwillingness in any of them so to do, but they have not in fact any legal appointment thereto. It can however in the mean time happen that the Secretaries, at the moment that their services are requisite, may be impeded therein either in their capacities as Vendue Master or as Notary, the consequence of which must be a highly prejudicial delay in the taking of inquests, or that the duty of the absent Secretary being performed by an unqualified person, a deficiency in the form would be occasioned, which is a thing should be prevented as far as possible.

The undersigned therefore take the liberty to submit to Your Excellency's consideration whether it would not be advisable to extend the functions of the district's clerks, whose duties are not so very numerous as to be impeded in consequence, to criminal cases, with this understanding, however, that when the Secretaries might be prevented by legal reasons from performing their duties, their places should be supplied by the District's Clerks in assisting at or taking of inquests at the requisition of the Landdrosts in presence of Commissioned Heemraden, provided that the reason of the Secretary's absence be stated in the Act, which extension of the duties of the district's clerks would among other things rouse their ambition to exercise themselves, so as on future occasions to become useful, and which would likewise induce the youth who wished to make the service of Government their career readily to enter on the duty of a District's Clerk as a step to future advancement.

5th. The Proclamation of the 16th May 1811 speaks in general terms of the appearance of witnesses before the Commission, but has not specially expressed whether the Landdrost in the cases to be prosecuted by him is to confine himself to the summoning of those witnesses only who reside immediately under his district, or if he may require witnesses who live in other districts to appear before the Commission in his. In order to prevent in future inconveniences, it might possibly be useful to remove all doubts in this respect, although the undersigned cannot avoid here observing that the case appeared not at all doubtful to them, as they did not in the least degree hesitate at the session at Uitenhage to summon and examine witnesses who lived in the Districts of Graaff-Reinet and George, and at the session at George witnesses who reside in the Districts of Uitenhage and Swellendam; neither would the Commission have made the smallest difficulty in case of the non

appearance of any such witnesses to grant the usual compulsory decree to the Landdrost where the session was held and the principal proceeding carried on, together with a letter of requisition to the Landdrost of the District from whence the witness should come; and the grounds for so doing appear to the Commission very simple. In the first place, the Commission of Circuit represent the full Court, and administer justice in the name of the Supreme Government in all such matters as where the jurisdiction of the full Court is competent, a proof of which among others is that appeals from sentences of the Commission must not first be made to the full Court, but immediately to the Court of Appeals. In the second place the Commission conceive that a different opinion would be contrary to the intention of the Proclamation of the 16th May 1811, and even that it would entirely frustrate it, as the Commission, by not being able to make such witnesses appear, could be very easily impeded in proceeding in, and deciding the several cases brought before them.

Thirdly. The establishment of more Drostdies than there were before was certainly done with no other intention than to facilitate Government in all its parts, to carry its orders into execution with more promptitude, and especially to administer Justice with more speed and effect, but by no means through the establishing of Jurisdiction standing on their own authority to cause a clashing in the judicial proceedings. Finally the undersigned do not see that it would be any more unreasonable for a witness to go from one District to another to give evidence than it was formerly when the inhabitants were obliged to come from the most distant boundaries of the Colony to Cape Town for the same purpose. There is certainly at all times an inconvenience attendant thereon, as is always the case when private interest must give way to public, and therefore such witnesses who may be thus occupied have a right to bring in their bill of reasonable expense, which if necessary might be taxed by the Commission, and which should be paid by the party interested. The undersigned therefore take the liberty to propose that by way of amplification of the Proclamation of the 16th May 1811 this should be prescribed as a fixed regulation, leaving it however to the discretion of the Commission to excuse the personal appearance of such distant residing witness on satisfactory reasons being given, in cases when his or her personal appearance might be found unnecessary or of little

consequence, without however preventing thereby the decision of the business, in order that on the one hand the regular course of justice should not be impeded, and on the other no improper use made of the said regulation from frivolous and vexatious motives.

6th. The prisons in the respective Districts being inspected, the undersigned found that of Graaff-Reinet in the same ruinous situation as reported by the former Commission in the year 1811, indeed even worse, so much so that it is a wonder that some of the prisoners have not escaped, the putting them in irons being the only means to prevent it, while the prisoners in rainy and stormy weather are exposed to the most serious inconvenience. The Landdrost Fischer, who entered on his duties shortly before the arrival of the undersigned, was not less convinced hereof than the Commission, and he therefore promised that he would make it a special point of his duty to remedy this great want.

At Uitenhage the Commission found a new prison built, and already occupied, agreeably to the plan submitted to the approbation of Government; the apartments are airy and well secured, and in every respect answer the intention; still however it appeared to the Commission that the open space behind the Building should be surrounded by a wall, by which opportunity another apartment, or were it only even a shed, could be built for the reception of fugitives or wandering Hottentots who may be taken up in the fields, where they should be kept till an opportunity offered of sending them back to their Masters or elsewhere. This is a thing to which all the far distant Districts are continually exposed, and which therefore makes some place of habitation necessary; the expense requisite for this purpose would not, in the opinion of the undersigned, be much.

At the Drostdy of George the Commission also found a new prison, but as this is the only public building there which is complete, the Commission was obliged to lodge there, and on their departure left it occupied by the Landdrost. As however a house was then being built for the Landdrost, the inconveniences which have hitherto existed from want of a habitation for the prisoners will now soon cease. This new prison has different apartments for the different descriptions of prisoners, and therefore answers the intention, but at the same time it appeared to the Commission to be a pity that it was not raised a few feet above the ground, instead of lying so low as it does, where the ground is so particu-

larly damp, the consequence of which must be very prejudicial to the health of the prisoners, who cannot be given so much liberty or fresh air as those who are free. This fault appears to the undersigned not to be reparable in any other manner than in the first place by the doubled attention of the Landdrost to have the apartments aired more than usual, as much as the safety of the prisoners will possibly allow, and in the second place to have the damp clay floors covered with plank or other dry materials, provided the same be raised a little from the ground to admit the air, and also constructed so as to be occasionally taken up and every now and then exposed to the wind and sun.

7th. The number of the Police Riders and Caffres of Justice is incomplete at all the Drostdies, and consists mostly in incapable persons whom however one is obliged to employ for want of better. At Uitenhage, for example, the Commission found but one Police Rider, and as the Under Sheriff Jan Deynhard himself was under a criminal prosecution, his duty was provisionally performed by an old man, so that it is to be attributed alone to the personal activity of the Landdrost that the different duties relative to Justice there were not involved in confusion. It will therefore be necessary that some provision should be made on this head, but as Your Excellency has received propositions from another quarter on the subject, the undersigned will dispense with saying anything further hereon.

8th. It is frequently necessary in criminal cases that the decision of the Judge should be guided by surgical attests containing a professional opinion of the nature of the wound or wounds found on the body, and describing their different degrees of mortality, from which frequently the nature of the crime (especially in cases which do not involve actual murder, but only ill usage) and consequently the degree of punishment must be prescribed. For this purpose the so called Colonial Surgeons are established at the different Drostdies; such however are not yet found at the Districts of George and Uitenhage; at the former it is true there is a surgeon, Mr. Van der Kolff, to whose assistance the Commission had recourse, and who did not refuse his services, whilst at the latter Drostdy the Military Surgeons Milton and Menzies, who were there, readily complied with the desire of the Commission whenever they required their assistance; but as this is only casual, and as there are not any persons appointed at those Drostdies for the above

mentioned purpose, it might happen that one would be entirely devoid of such assistance and sometimes in important cases brought into a very anxious uncertainty. To remedy this want, the undersigned are of opinion that some provision is absolutely necessary, in which respect it might possibly be taken into consideration whether medical men could not be removed from the Drostdies where there are more than a sufficient number to those Drostdies where there are none, while it would also be useful that the Supreme Medical Committee in the examination of persons who might apply for the appointment of doctors or surgeons in Country Districts to pay particular attention to examine them on the nature, mortality, and probable consequences of blows and wounds, and to oblige such to qualify themselves on those different subjects, so as to become serviceable in the administration of justice.

9th. The transporting of prisoners either from the places of inhabitants, or through the medium of the Field Cornets, to the Drostdies or to Cape Town is not effected with that regularity which on the one hand is requisite to prevent the prisoners escaping, and on the other to protect their lives; it is to be attributed to this that prisoners either frequently get away on the road, or in making endeavours so to do are shot by those who have the charge of delivering them into the hands of justice, without making the least distinction whether they were to be tried for a trifling offence or a crime of magnitude. In addition to which it sometimes happens that the prisoner's getting away is the fault of him to whom he has been entrusted, who either in order to travel with more speed or moved by a misplaced compassion and not guarded against the crafty cunning of the prisoner, allows him to be loose, and thereby himself affords an opportunity for escape. From this irregularity criminal prosecutions frequently occur, in which the common ground of defence is that the prisoner had endeavoured to escape, that the thickness of the Bushes and the like favored them, that they could very easily have joined a band of robbers, and it has always been said that one may fire at a prisoner in the act of flight after calling out to him three times *to stand* without his obeying; a thing which has been experienced by the Commission in more than one instance, and which is frequently experienced by the Court of Justice even in the proceedings now pending before the same.

The judges in those kind of prosecutions generally find themselves

at a loss, as well because that the decision of the case must be founded on the proofs, which on the one or other side are not free from partiality, whereby one often is in want of that rule with which the circumstances of the crime should be measured, as because that the idea of being at liberty to fire at fugitives without distinction, after having first called three times to them to stand, although not supported by any Law, is however so general, that it may well be considered as a natural prejudice of a people in which they grow up from their youth, and which therefore cannot well be totally laid aside in the adjudging of punishment, since in the application of the Laws to the offender attention should be paid as well to the moral imputation of the crime perpetrated, as to the proving or not proving of the fact as fact.

The undersigned have therefore deliberated on some means which could be adopted in this respect towards the prevention of those extremities, and it has appeared to them necessary that the respective field cornets should be ordered to secure all prisoners while sending from one place to another with strong and sufficient handcuffs, and that they should always remain ironed on the road, and not loose on any pretence whatsoever, at the responsibility of those who had the charge of them; and further that the firing at such fugitive persons after the pretended calling out to them to stand should be forbidden and abolished by a special Proclamation, with the exception alone of runaway slaves, agreeably to the 80th Article of the general Proclamation dated 25th October 1740; while at the same time it should remain at the discretion of the Landdrosts in cases where a prisoner is brought up on a charge of an atrocious crime, in the exemplary punishment of which society has an immediate interest, to direct such stronger or more secure measures to be observed in the conveyance of the prisoner as the circumstances of the case might appear to them to require at their own responsibility, without however it being the intention of the undersigned hereby to attach any, the least reflection, in what is prescribed or allowed by the existing Laws with respect to the defence of one's life and property against highwaymen, night thieves, house breakers, and the like.

10th. With respect to civil cases the Proclamation of the 16th May 1811 has prescribed in Articles 53 and 54 that the execution of sentences by decree of the Commission shall be put in force by the Landdrost and Heemraden as Sequestrators, who in that

respect are to proceed in the same manner as hitherto observed by the Chamber of Insolvency in Cape Town, and further that they are to lay before the Commission a statement of the executions which have taken place pursuant to the decrees of the preceding Commission, and in cases of non execution account for the same.

This subject did not apply to the Commission of 1811, because that it being the first Commission, consequently there were not any sentences of a former one to be executed; but the present Commission was obliged to attend thereto, in which respect the undersigned beg leave to refer Your Excellency to the annexment sub No. 2, but as the Proclamation of the 16th May 1811 has not provided for cases of insolvency which might occur in carrying sentences into execution, the undersigned are therefore of opinion that it would be necessary to enact that it is not to be understood from the above mentioned Articles that the Board of Landdrost and Heemraden is qualified to administer insolvent estates, but that such shall remain reserved to the Chamber of Insolvency with this effect, that when the Landdrost and Heemraden in executing the sentences with which they are charged may meet with cases of insolvency, they shall stop the execution, take an inventory of the estate, adopt the necessary measures for the non alienation of the same, and transmit an immediate report to the Court in Town, which can thereupon direct the Chamber of Insolvency to proceed as may be requisite.

It also appears to be uncertain what charges the Secretaries of the Country Districts are entitled to make to such estates when assisting the Board of Landdrost and Heemraden in the execution of sentences, and acting as Vendue Masters. If they are to confine themselves to the usual percentage which is allowed on all judicial sales, and which must be accounted for to Government, they do not receive anything for their trouble or risk, and in case they are to charge anything else either by way of percentage or for attendance, the defendant would be charged with more expense than he would have to bear if the sentences of the Commission of Circuit were executed by the Chamber of Insolvency on the old footing, which would certainly be contrary to the Proclamation of the 16th May 1811 and to the establishment of the Commissions for administering Justice in the Country Districts, the object of which was brief and summary Justice, and to save expense; it therefore appears to the undersigned to be equitable that a reason-

able part of the percentage, which is otherwise paid into the treasury, should be allowed the Secretaries of the Country Districts as an indemnification for their trouble and risk, for example two per cent on moveable and one per cent on such immoveable property as may be sold under execution.

11th. The Districts Clerks being recommended by the 14th article of their instructions to inform the Landdrosts of all the actions which they have noted, in order if possible to bring the disputing parties to an amicable accommodation, a thing which in a colony not populated in proportion to its extent, and whose inhabitants are almost all related to one another, may be considered as of importance; the present Commission therefore conceived they should not be satisfied with a bare statement of the disputes being settled, but they directed the protocol of the District's Clerk to be laid before them, and having examined the terms of the arrangement made in each case, they confirmed the same by decree, as will appear to Your Excellency from the annexment sub No. 3, by which the parties, the same as in other sentences, can proceed to execution in case the opposite party might not bona fide perform his engagement, without being under the necessity the following year of commencing a new suit, while besides the Commission is thereby enabled, should it be found that the dispute was not properly settled, to lay their remarks before the Landdrost.

12th. Agreeably to the Proclamation of the 16th May 1811 civil cases which in the first instance did not belong to the cognizance of the Court of Landdrost and Heemraden, or cases in appeal, can be alone regularly brought before the Commission, and therefore the complaints of Hottentots against their present or former Masters agreeably thereto, and also according to the Proclamation of the 1st of November 1809, cannot strictly be said to constitute a part of the duties of the Commission, unless they might be of such a nature, or amounted to such a sum of money or money's worth, that they exceeded the competency of the Landdrost and Heemraden. The Commission nevertheless conceived they should not withhold from hearing such complaints however trifling they might be, and that in the first place on the common law principle that poor and miserable persons may in general avail themselves of a privileged judicature, in the second place, because that agreeably to the Proclamation of the 16th May 1811 the Field

Cornets are every year, previous to the arrival of the Commission, to assemble from each family one slave or Hottentot, and to give them notice hereof, the intention of which certainly could not have been anything else than to enable such, if they might have any, to lay their complaints before the Commission, thirdly because that the multiplicity of old complaints in the statements of the Missionaries Van der Kemp and Read, which by a classification made thereof as being of civil nature were brought under No. 3, have been communicated to the respective Landdrosts by orders of Your Excellency, with directions to inform the interested parties against the arrival of the Commission, wherefore the Commission conceived it to be the intention of Government that they should take cognizance of such complaints on being brought before them, and if possible decide thereon, in order to remove at last all those numerous old complaints of vexations and oppression, and the undersigned have the satisfaction to say that the result fully answered the intention, the greatest part of those disputes being amicably settled through the interference of the Commission, and others terminated by final judgment; on which point the undersigned beg leave to refer to the annexed statement and to the civil records, as more amply containing those cases, and which are deposited in the Secretary's office of the Court here.

It is therefore probable that the ensuing Commission will not be involved in such business, but in case any of the old complaints may have remained over, or new ones of a similar nature be preferred, the undersigned, for the reasons alleged, are humbly of opinion that the Commission should not withhold from hearing and terminating the same, the less so because that the independence of the Commission with respect to Hottentots will generally inspire more confidence in the parties, and at the same time the proceedings and decisions of the Commission in such cases will afford well adapted examples for the Heemraden of the Districts in cases which may be brought from time to time before them.

On the occasion of those sorts of civil proceedings at Uitenhage the Landdrost of that District requested that the undersigned might enter upon the investigation of some civil complaints which, although not now brought before the Commission, were however included in the statements of Van der Kemp and Read and consequently entered in the above mentioned List No. 3, and which complaints are either directly against the Landdrost or

in which he is implicated of negligence of his duty, which request of the Landdrost being founded hereon that he was obliged to answer for his conduct to Government, and to clear his character, to which he saw no proper opportunity without such investigation, the Commission conceived they should not deny the Landdrost his request; and also perceiving that not any more impartial examination could take place, the Commission acquiesced therein, agreeably to the resolution hereunto annexed sub No. 8, and inserted the result in the civil records, leaving the Landdrost or other interested persons at liberty to take extracts from the same and to make such use thereof as they might deem advisable, or in case the complainants, or any persons in their name, might hereafter bring forward those complaints, that recourse could be had to the said investigation, which measure the undersigned hope may meet Your Excellency's approbation.

13th. Before that the undersigned leave this topic of their report, which respects or is connected with the administration of Justice, they feel it their duty to acquaint Your Excellency of a proposal made to them by the Landdrost of Uitenhage relative to the expense of witnesses who have been obliged to come a great way and remain several days at the Drostdy, in order to give evidence in cases brought forward by the Missionaries of the Institution of Bethelsdorp, and which appeared to be so devoid of truth, that there were not even grounds sufficient to charge the accused with the expense of the investigation; on this subject the Landdrost requested to be informed from whence and in what manner such witnesses were to be indemnified. The undersigned although not conceiving themselves qualified to discourse in general terms on this proposition, as long as there was not any distinct case brought before them on which they could also in this respect do justice between man and man, still however deemed it necessary to report the circumstance to Your Excellency, and they therefore caused the same to be noted in the records, as will appear by an extract from the same hereunto annexed sub No. 9, submitting to Your Excellency's consideration whether it might be necessary to make any arrangements on this point. One remark only the undersigned cannot avoid making, that if the informers Messrs. Van der Kemp and Read had taken the trouble to have gone into a summary and impartial investigation of the different stories related to them, many of those complaints which have made such a noise, as well

in as without the Colony, must have been considered by themselves as existing in imagination only, and consequently neither the Government nor the Court of Justice would have been troubled with them.

The undersigned herewith conceive they have said sufficient with respect to the domestic affairs of the different Drostdies visited by them, for so far as regards the administration of justice, they will therefore now take the liberty to proceed to a compliance with Your Excellency's desire, agreeably to the 62nd Article of the Proclamation of the 16th May 1811, namely :

“That any complaint however trivial, and all matters touching the morality and good Government of the Country Districts shall be noticed by the Commission and reported to the Governor, that such steps may be taken as he may deem meet.”

On this point the undersigned, conceiving that they cannot do better than follow the same order observed by the Commission of the preceding year, take the liberty to submit the following observations to Your Excellency, which however from their nature cannot be otherwise than general and superficial, as the multiplicity of judicial duties with which this Commission has been charged did not afford the undersigned an opportunity to examine with sufficient accuracy into other matters.

1. The instruction of the Youth.

On this subject the undersigned have not anything to add to what has been already amply communicated to Your Excellency in the report of the former Commission. There really is a great want of teachers ; the families which are far removed from the Drostdies are left entirely to themselves, and want every kind of instruction, so that the rising generation is growing up with the miserable prospect of ignorance ; and the undersigned do not entertain any doubt if they had visited the still more remote parts of the country but that they would have found this want still greater. They were however not a little surprised to meet so much civilization with so little opportunity to attain it, and they therefore with much pleasure deduced this consequence, that there exist natural ability and capacity enough to give instruction with effect, if only the means were at hand to procure it.

The establishment of Schools in the different Districts and the

appointment of Masters has already made a great step towards improvement, and it is to be hoped that the Masters by zeal and attention, and particularly by their conduct and good example to make their situations respectable, will encourage the inhabitants to avail themselves of the opportunity offered to their children. But to reap any good fruit herefrom a superintendence over those schools and Masters will be continually necessary, for which purpose therefore the respective Landdrosts and in the districts where Clergymen are, the latter especially, should pay attention to this point; while the School Commission here in Town should consider of means by which young instructors could be procured, so as to fill up the vacancies that might occur, and in time to increase the number of teachers all over the Colony.

Besides the want of Masters, there is still another which is no less in the way of education, and consequently civilization, namely the want of School Books; hereby even family instruction which otherwise could be given by parents to their children is prevented, and the parents as well as the children lose the ability of reading, while the latter, when advanced to riper years, are almost incapable of receiving instruction. The want of another printing Press besides that belonging to Government and the high price that must be paid there to get anything printed (should there be time so to do) increase this inconvenience, and the undersigned conceive this point of too much importance to pass it over and not to recommend it to the attention of Government. The appropriation of a part of the school funds to supply this deficiency, the calling on the respective clergymen or others who might be inclined to employ their talents to this beneficial purpose, the selection and reprinting of existing little works calculated for a plain education, but at the same time of such a nature that the children learning the letters and words might also attain a comprehension of different ideas, may be considered as among those means best adapted to effect this desirable object.

2. Treatment of Slaves.

Excepting the cases officially brought before the Commission and more amply stated in the records, they received no other complaints from slaves of ill usage by their masters than one from a slave in the village of Graaff Reinet, who having preferred a

complaint against his master Johannes Lodewyk Olivier, the Commission caused the same to be investigated by the landdrost; but which being found groundless and slanderous, the slave was properly corrected. For the rest, no complaints of slaves being brought before the Commission, any extraordinary interference was therefore unnecessary, and for as far as the undersigned could perceive during their journey, all the slaves (the number of whom is not very great in the country districts) had every appearance of being well treated and satisfied with their condition.

In the preceding year, the Commission on their journey through the Lange Kloof received a complaint from a slave against the field cornet Matthys Zondag, the investigation of which they charged the landdrost of George with, who having laid the result thereof before the present Commission, they found no grounds for further proceedings, and therefore fully acquiesced in the report of the landdrost.


Of the civilization of this class of people and especially instructing them in the Christian Religion, the undersigned cannot say much, the instruction for the inhabitants themselves and their children is so deficient and has to contend with so many difficulties that it cannot naturally be expected that the slaves have much opportunity thereto; at the village of Graaff Reinet, however, where there has been a clergyman for some years past who in this respect has been very zealous in his endeavours, the desire to learn is very visible, and this makes the undersigned confident that if the same opportunity existed in other places, the same effect would be also produced. But this the undersigned must remark in general, that as the Mahometan Religion, or rather the adulteration of the same which is here known under the name of the *Slamsche faith*, has not yet penetrated through the country, the slaves in the far distant districts may with propriety be considered as being more capable of being instructed in the principles of the Christian Religion than those in Cape Town and the neighbouring districts, where the prejudice against Christianity is very great, and which encreases in an alarming degree; but the undersigned would transgress the limits of their duties were they to enter farther into the subject, and will therefore content themselves with the above remarks for as far as relate to the country districts.

3. *The Hottentots.*

This people, that one can scarcely more consider as such, because that excepting the kraals at the Slange River in the district of Swellendam, and the Hooge Kraal in the district of George, they have not anywhere an independent subsistence, is spread far and near in the country in the service of the farmers, who have an essential interest in their satisfaction and willingness, as they have not any other persons for herdsmen, neither can they easily obtain people even for other work, in consequence of the present daily encreasing dearness of slaves. The longer therefore, the more it becomes the interest of the farmer to treat the Hottentots well, and this self interest, this great spring of all human actions, accompanied with the present existing laws and regulations established by Government, cannot have any other than the beneficial tendency to make the services of the Hottentots supportable and both the contracting parties attentive to the fulfilment of their mutual obligations; while the duties of the local magistrates being now guided by fixed rules can be executed with more precision, and unhoped for injustice more easily repaired and prevented.

The Proclamation of the 1st November 1809, which contains very clear and plain regulations on this head, has appeared to the undersigned to have well answered the proposed intention, and in general to be duly observed. For the sake of perspicuity and to make it more facile to the successive commissions administering justice, the undersigned recommended it to the respective landdrosts not to insert the proceedings between Hottentots and their masters of complaints falling within the tenor of the said Proclamation in the ordinary records of the Board of Heemraden, but to keep a separate record thereof, which with a register of the same can be laid before the annual commissions.

The undersigned in this respect also conceived that the mere assertion of the said Proclamation of the 1st November 1809 being observed was not sufficient, but that, without encroaching on the consciences of heemraden as judges or altering their decisions, when no complaints were made of the same, they should examine every case which was brought before and decided by them, in order to see if any deviations found place in the application of the



Proclamation, or the meaning thereof improperly interpreted ; or finally if any cases had occurred, which not being sufficiently defined therein, required further explanation which would in such case enable the Commission to make the necessary propositions for that purpose.

This special investigation, in which the undersigned acknowledge to have gone farther than their predecessors and which they hope will not be taken amiss, however was the cause that, having at Graaff Reinet called for the extracts of the proceedings of the heemraden with respect to some cases that attracted their attention, they found that the Hottentots were charged in account in part payment of their wages the medical attendance given them during their illness, and this appeared to the Commission not to be allowable by the said Proclamation of the 1st November, in itself unreasonable, and tending to open a door to great abuses, as well as a new source of complaint ; wherefore they deemed it necessary to inform Your Excellency thereof, and at the same time to state as their humble opinion that the value of medicine in diseases, wounds, or other illness of Hottentots, should not be deducted from their wages by their masters, and therefore that the respective Boards of landdrosts and heemraden should be written to not to adjudicate any such cross claim advanced against a claim made for wages earned.

The masters cannot in the opinion of the undersigned reasonably consider this as any hardship, because in the country districts such articles generally consist in domestic medicines or herbs found in the fields, and which not being charged them by the apothecaries do not stand the masters in anything ; and if there may be exceptions in some few cases, they are however not of sufficient consequence to render a deviation from the general rule necessary ; while it always remains recommended to the landdrost and which is to be expected from his equity and penetration, that he should awaken the gratitude of such Hottentot whose services his master might have been deprived of for any time worthy of mention, and urge him to indemnify him for lost time and expense by a prolongation of the term of his engagement, always however on payment of wages. This appeared to the undersigned also to be one of those means to bind the Hottentots to their masters by reciprocal attachment and indulgence, towards the attainment of which point the local magistrates cannot pay too much attention.

The undersigned conceive this to be the most proper place to communicate to Your Excellency their remarks and observations on the instruction and moral civilization of the Hottentots.

What the undersigned have already said with respect to the slaves is also applicable to the Hottentots, for as far as they are in the service of the farmers ; but besides those, there is a considerable number of Hottentots collected in the two principal Institutions, the one situated at the Baviaans Kloof in the district of Swellendam, now called *Genadendal*, and the other named *Bethelsdorp* situated between the Drostdy of Uitenhage and Algoa Bay ; the former, which is conducted by the Hernhutters or Moravian Brethren, appeared to the undersigned to be a very useful institution ; the principle adopted there by the teachers seems to be to encourage those people to industry, order, and subordination, and to practise those social virtues as essential religious duties ; the beneficial effects of this instruction are visible in walking through this little Hottentot village ; every family has a dwelling and a garden, he cultivates his piece of ground, from whence he derives food and nourishment, and a degree of cleanliness reigns in all those little houses, which is not natural to that people ; their religious meetings are zealously attended, and the doctrine preached to them, which bears the marks of simplicity, seems to be heard with attention. The men, in ploughing and harvest time, go to work at the neighbouring places, have seldom disputes with their masters, and are generally so satisfied with them that it is counted a scandal if a Hottentot the following year should be obliged to look for any other master than him with whom he served the preceding one.

The other of those missionary Institutions, namely Bethelsdorp, is very far from being compared thereto ; nothing of what is good in the former is here to be perceived, the founder of the same, the late Mr. Van der Kemp, established such an overstrained principle of liberty as the ground work, that the natural state of barbarism appears there to supercede civilization and social order ; the former Commission already remarked the same in their ample report, and the undersigned dare with confidence assure Your Excellency that the Commission did not exaggerate the picture. Laziness and idleness, and consequently dirt and filth, grow there in perfection, and an inimical partiality against the Inhabitants reigns in such manner that not only the Hottentots belonging to the Institution,

are not to be induced to hire themselves to the Inhabitants, but even frequently the other Hottentots are drawn away from the service of the farmers and seduced to encrease the number of the idle and lazy, and especially when they possess any cattle, which are then swallowed up at the Institution among the general mass, and must serve for the support of the others who have already spent theirs. It is certainly not to be denied but that some of the Bethelsdorp Hottentots in former times suffered injuries from some of the farmers, from which many of the complaints brought before the Commission originated; but at the same time it is not less true that there are many Hottentots at Bethelsdorp who have had a considerable part in plundering, robbing, setting fire to the places, and even murdering the Inhabitants; and as the Hottentots as well as the missionaries, who at present exercise the immediate control over them, do not wish to see those things brought to light, but that they should be considered as forgotten and forgiven, the same forgiveness therefore should extend to those by whom they had been injured; but not to cherish a continued hate in their bosoms, much less represent their complaints in a false light, which the Commission are sorry to say they found to be the case in more than one instance.

The undersigned endeavoured by every opportunity to oppose this evil inclination; they represented the impropriety thereof, and endeavoured as well in their general conversation as in their official proceedings to quench the fire of inveteracy; but the Commission should much have wished to have met with more coöperation on the side of the missionaries, who through their daily conversation and the power which they must undoubtedly have on the conscientious inclinations of their disciples, certainly possess the means of doing so with effect. The undersigned are well aware that the affair between the Landdrost Cuyler and the Missionary Read, who is at present at the head of the Institution, is not well calculated to effect this common beneficial work, which is so much to be wished for; but if everyone in his own circle, setting aside his private dissatisfaction, did that which the general interest demands, it is to be hoped that this useful end may at all events be partly and by degrees attained.

For the rest, the undersigned must repeat what has been said by the former Commission, that the situation of the Institution is in the highest degree ineligible, it being as unfavourably placed as can

possibly be conceived, and the influence of this prejudicial situation is the greater in proportion as the number of the inhabitants there encrease. It appears therefore to the undersigned to be advisable to remove this Institution, if not wholly at least to divide it, the consequence of which would be that those who remained over at the present Bethelsdorp would be the better enabled to derive some advantage from the trifling support which the ground there affords; and by making of mats, baskets, and the like, gathering of salt, hiring themselves to the neighbouring farmers, and among others to the new establishment of Messrs. Korsten & Pohl, which is only an hour's distance from thence, obtain for themselves an honest livelihood, and at the same time continue to receive the instruction of the missionaries, who also having thereby the lesser number to instruct, might entertain the hope of reaping more fruit from their labour, and consequently feel the stronger inclination to continue their endeavours.

Such a division could at present be the more easily made, as the missionaries having encreased from time to time, there are therefore a greater number at hand than is necessary for one institution; while the spirit which at present seems to actuate the Missionary Societies in Europe leaves no doubt but that the number will be filled up from time to time.

With respect to the establishment of more missionary institutions, the undersigned are of opinion that in the first place the above-mentioned Hooge Kraal in the district of George should be taken into consideration, as well because that the Hottentots who reside there wish for instruction, as because that there is a favorable opportunity of supplying a greater number with subsistence; while the Inhabitants of that district, who support themselves by cutting of timber, generally are in want of people, and it is to be supposed that the Hottentots would willingly enter into their service, as the prejudices which they entertain against the farmers at and near Bethelsdorp do not exist with respect to the Inhabitants of Outeniqua Land and the environs of Plettenberg's Bay.

Another Institution could also be established behind the Sneeuwberg or at the Nieuw Veld, at or near the boundaries of the Bosjesmen; which could by degrees be also of service towards the civilization of those people. Another well adapted place for such an institution the undersigned found at the entrance of the Karroo,

at a place named Zoute Kloof, situated two days journey from Hex River and the same distance from Swarte Berg; this place, at present occupied by one Snyders, has a good stream of water, which flows summer and winter, and good arable land where the undersigned met with a vineyard and fruit trees, so that some Hottentot families might there not only have fruit and vegetables for their own use, but also cultivate, so as to trade with the waggons passing that way, besides which, if they were willing to carry on the trade of smith or waggon maker, there is no doubt but they would always have work from the passengers, and consequently a certain means of subsistence, while at the same time the great extent of lands there would always insure them pasturage for their cattle. At this place they would also be far enough removed from others, not to be troublesome on the one hand to their neighbours, and on the other hand to give them that independency which they seem to place such a value on; while at the same time they would be near enough to the landdrost (it being only four days journey from Tulbagh) to become an object of his vigilance, or to call on his protection, should they want it. Be it however as it may, the undersigned find themselves obliged to remark that they conceive the removal of the Institution at Bethelsdorp either partly or wholly should take place more within the Colony; but not towards the boundaries of the Caffres, because that such an establishment of the Hottentots, among whom are many who have been formerly among the Caffres, and with whom they are well acquainted, might have a prejudicial tendency to the interests of the Colony, and keep up the communication with the Caffres which Government on good grounds wish to restrain, all of which would create apprehensions in the minds of the inhabitants, and would prevent them from settling with confidence in the Zuurveld, which with their assistance and activity has been reconquered from the Caffres.

One more remark applicable in case of an eventual division of the institution of Bethelsdorp, the undersigned take the liberty to add here, namely that in such case, the missionary James Read should in their opinion not remain at the present Bethelsdorp, but remove to that to be established in another district, and for the abovementioned reasons, namely that no confidence subsisting between said James Read and the landdrost of Uitenhage, and which, as long as men will give way to human sensations and

passions, cannot subsist, that missionary therefore never can attain the useful end which he may propose to himself; this impediment with regard to him does not exist in other districts, and the stay the Commission made at George, where James Read also at that time gave them an opportunity of remarking that the landdrost Van Kervel to all appearances lived in harmony with him, and that the neighbouring inhabitants did not evince any enmity towards him, several of them attending divine worship which he performed on Sundays. It is in the same manner to be expected that the landdrost Cuyler would live in a good understanding with another missionary who had not any hand in the writings of Messrs. Van der Kemp and Read, for example Mr. Ulbrecht, which could not fail of having a favorable influence on the inhabitants of his district.

Before that the undersigned leave the subject of the missionaries (into which they have been inadvertently led in speaking of the Hottentots, as being connected therewith) they must take the liberty to make one remark to Your Excellency, that the law which regulates the proceedings of the missionaries in this Colony, namely the Proclamation of the 21st February 1805, has appeared to them not to be observed by the heads of the Bethelsdorp Institution, the natural consequence of which is that they have adopted their own arrangements and opinions instead of the manifest will of Government; the landdrost of Uitenhage not only complained of this to the Commission, but it also appeared in the clearest manner in the proceedings brought before them, so much so that they could not avoid expressing their surprize to Mr. Read, conceiving it to be a very great irregularity; they could not however receive any explanation than that the late Mr. Van der Kemp had said and written that after the surrender of this Colony to the arms of His Britannic Majesty he had been assured from high authority he need not bind himself to the said Proclamation; but act in like manner as he had done previous to the same being enacted.

But this explanation appeared to the Commission to be very far from satisfactory, as it cannot be supposed that any such assurances would be given in the name of Government to an individual, and at the same time no information thereof communicated to the magistrate under whose immediate jurisdiction such individual resided; on the contrary a law which has been promulgated should

remain in force, and therefore justly be considered as the true guide to be observed so long till it be repealed or altered in the same solemn manner in which it was enacted. The Commission communicated these their sentiments to the landdrost of Uitenhage, and told him that they conceived him fully authorized and obliged to maintain the observance of the said Proclamation of the 21st February 1805, as long as the same be not repealed or altered; while at the same time the Proclamation of the 1st of November 1809 having provided against Hottentots running about without a pass, the Commission further stated it to be their opinion that the heads of the Institution are obliged when such Hottentots call on them to report the same to the landdrost. This a good police renders requisite towards the prevention of disorders, because at all events the landdrost should be enabled to see whether the Institution be really conducted in such manner as to answer the proposed end, and at the same time to take care it should not afford a hiding place for Hottentots who have been guilty of crimes, or who may run away from the service of their masters, or finally for deserters from the Cape or other regiments.

Whether therefore the said Proclamation is to remain as it is, or whether any alteration be made in the same, there must always be such provisions that the missionary institutions which have already or may yet be established within the boundaries of the Colony should remain under the due vigilance of the magistracy, and not unnatural and independent members of the laws which they look up to, and which protect them; but considering themselves above being obliged to obey the laws is a thing which would give such a prejudicial and dangerous example to their disciples, that all other good laws and everything else which might be taught them would not be able to weigh against it.

4. *The Caffres.*

This nation not belonging to the Inhabitants of the Colony, it is not necessary for the undersigned to say much about. The Commission however had the satisfaction to see that the territories of the Colony have now been entirely evacuated by those Caffer Tribes who for such a length of time have had possession of a fruitful part of the same; through which the

Commission was enabled now to travel through those places with safety.

The undersigned could here perceive the great difficulty and trouble there must have been to dislodge them out of the thick woods which served as their hiding places, and the Commission avail themselves of this opportunity to give, as well to the commanders who had the direction, as to the troops who executed the same, that praise which they have so well deserved, for the zeal, promptitude, and obedience evinced by them on that occasion. The Commission also visited the head quarters of Graham's Town, where they were received as well as everywhere else by the English officers with all possible attention and politeness. The place there is well chosen, as being situated between the different posts, by which, in case of alarm, assistance can be given in a short time; but it must not therefore be believed that the boundaries of the Colony are secured against all incursions of the Caffers; this is not well possible in the nature of things, as almost all the posts are separated from one another two hours or more, and the Great Fish River is fordable nearly everywhere in the dry season, so that it will always be easy for the Caffres to make attacks at night in that time of the year, and to seize on, and escape with the cattle; but in case continual patrols were established, so as to pursue them on the least discovery of danger and especially to take care to keep the Zuur Berg clear, there will be no apprehensions of their again nestling themselves in the Colony. In the opinion of the undersigned the most certain means of rendering the incursions of the Caffers difficult, and of curbing their ravages, would be to people the Zuurveld, which cannot be better effected on the part of Government than by granting of lands there; to treat of the manner in which those grants should be made is not the task of the undersigned; but however they cannot avoid remarking to Your Excellency that in a district where the breeding and grazing of cattle must constitute the chief subsistence of the inhabitants, extent of pasturage is requisite, and small grants in property will not answer the intention.

For the rest, although the prohibition not to pass the Great Fish River is in general very useful and necessary in order to cut off the communication with the Caffers, exceptions however should be made when the Caffers may steal cattle and escape with them over the same, and consequently get them into their possession

with security; in this case the pioneers or the commandos should be at liberty to pursue them and to pass the river towards obtaining their stolen cattle back, provided that as soon as they gained their object they should return. This would generally be attended with the wished for success, and would probably tend to discourage the Caffers from plunder, as they, seeing that they could not enjoy the fruits thereof, would lose all inclination of making attacks, while at the same time they could be made to feel the danger of being driven over the *Kat River*, in case they did not discontinue their incursions and robberies, which has been described to the undersigned as a better line of boundary than the Great Fish River.

5. *The Bosjesmen.*

This people, which one can scarcely consider as such, because that they have not the smallest idea of social order, of Government, or of a head, still continues in the same state of barbarism as has been generally described by travellers; and those authors who have endeavoured to make the world believe the many fine dreams they have written on the happiness of man in his natural state of simplicity should live for a little while among those men of nature, in order to form a just estimation of their own works.

It is extremely difficult to say whether one lives in peace or war with the Bosjesmen; they are sometimes quiet for a long while, so that nothing is heard of them, but all of a sudden they appear, without being able even to guess the reason or the cause, plundering and destroying everything within their reach; fear has a great influence on them, and when they are aware that the farmers are well on their guard and abundantly supplied with powder and ball, they are then the least to be feared. An agreement or treaty has now and then been made with them, and which has had the desired effect for a time, but it would be very imprudent to depend entirely thereon, without keeping alive in them a sense of superiority.

The undersigned also passed the grazing place of the Heemraad Van Heerden, which was visited by the former Commission, where they found the Bosjesmen exactly as has been already more fully described, while all the reports respecting those people are for the greatest part the same.

There is one thing however in this respect in which the undersigned feel obliged to differ from their predecessors, namely the riding or hunting in the Bosjesmen's country; this is now and then done by the inhabitants, for which purpose they assemble with a number of waggons; but it is a custom far from having a tendency to destroy the game and consequently the food of the Bosjesmen; because they not having any other weapons than bows and arrows, which, although they are dangerous when they hit as being poisoned, still however they are by far neither so certain nor can they hit the mark at such a distance as the farmers with their guns; they therefore cannot consider the game as their natural food, of which they would be deprived by those hunting parties, neither do they view it in that light; on the contrary they consider those parties as a mark of peace, friendship, and confidence, and as soon as they are aware of them they join the hunters, and assist, the greatest part of the prey being for themselves; for although this hunting furnishes the farmers with some salt and dried meat for their own consumption in order to spare their cattle, it however at the same time affords the Bosjesmen a much larger stock of meat than they could obtain without those hunting parties. The leaving off of this custom has been already attended with this consequence (according to what has been reported everywhere to the Commission, and especially by the field commandant Van der Walt, an old respectable man), that the Bosjesmen complain of want, are more troublesome in begging for meat, and even evince a distrust, as if some mischief were intended them, because one does not come to visit them any longer, and it is well known that among savage nations distrust and enmity generally accompany one another.

These circumstances caused a general apprehension that the good understanding with the Bosjesmen would not last long, and this has actually been the case, for before the Commission had turned back, they received information that the Bosjesmen were plundering and murdering in the Karroo between the Nieuw Veld and the Zwart Berg, and even so far as Zwanepoel's Poort; the undersigned therefore conceive it their duty to request Your Excellency to take this point into consideration, and not to make the prohibition of those hunting parties entirely unlimited, but to leave it in a great measure to the prudence of the landdrosts to act in this respect as circumstances may require.

The undersigned must further here repeat what they have already remarked in a former part of this report, that a Missionary Society among the Bosjesmen, for example at the place at Sak River where the school of the Reverend Mr. Kicherer had been, or elsewhere where it might be deemed advisable, would be of great utility, provided it was conducted by men of understanding and without fanaticism, which we therefore again take the liberty to submit to Your Excellency's consideration.

6. *The Public Roads.*

Those the Commission found in general to be in good order, and were specially repaired, in proportion as the arrival of the Commission was made known; but with all this a Highway or King's Road is wanting throughout the whole Colony, which among other inconveniences is sometimes the cause that the people not knowing what way the Commission is to come, relays of cattle are frequently at other places than on the road which they take, so that they are frequently exposed to mistakes, which if they occur consequently occasion unnecessary delays.

On this subject therefore, for as far as it is connected with the journeys of the Commission of Circuit, the undersigned will take the liberty to submit a few remarks to Your Excellency's consideration.

1. By the Proclamation of the 16th May 1811 it is prescribed that the election of the Commission shall not take place earlier than fourteen days previous to their departure; but besides that the undersigned cannot see any reason for this regulation, and also because it has neither been observed in 1811 or 1812, it is not practicable, for not to speak of a convenient time which the members appointed require to get ready themselves, some time, however trifling, is likewise necessary to prepare the act of Commission, the Proclamation of the Court of Justice, and the circular letters to the landdrosts respecting the providing of the necessary relays of cattle, and all the further preparatory work; that a much longer time than fourteen days has been requisite thereto the undersigned experienced last year; for although in the neighbourhood of the town and in the foremost parts of the district of Tulbagh everything was found in readiness, the Commission had scarcely proceeded over the Hex River when the promptitude

began to slacken, for which the general excuse was that the Commission was not yet expected, and that the letters had scarcely been received. The Proclamation and circular letters were forwarded from this the 11th September, and the 23rd following the Commission proceeded on their journey, and on the 2nd of October (therefore not very quick) having arrived at the field cornet S. de Beer, the first in the district of Graaff Reinet, they found him not only entirely ignorant of the appointment of the Commission, but even of its approaching arrival, and no wonder, for as the Commission afterwards learned, the landdrost did not receive the Proclamation and letters till the 5th following, at Graaff Reinet, from whence the different letters were obliged to be despatched to the respective field cornets; this naturally must occasion great delays in the journey, and obliged the secretary more than once to do that which the field cornets would in fact have been obliged to have done, in case they had been acquainted in proper time.

2. In travelling from the district of Tulbagh to that of Graaff Reinet the route lays either over the Witsenberg through the Bokkeveld or over the Hex River; the former is the shortest, but as from the steepness of the mountains they are not easily passable for loaded waggons, the latter road is therefore chosen; for this purpose there has been a road cut out of the mountains by two brothers named Jordaan, who have rendered the side of a cliff or *Kloof* passable with great trouble and expense; but which being undertaken by two individuals cannot be otherwise than very imperfect and wanting the means of repair, and which the Commission found excessively dangerous, while at the same time it is the only way which is capable of being passed on this side; and the undersigned are therefore of opinion that this road should be under the direction of Government.

The first thing requisite on this work is to widen the same a couple of feet, which could be very easily effected by cutting out the road on the side of the mountain, and this being once done, the road levelled and secured if necessary by a wall on the lower side, nothing further would be required than to keep it in continual repair, and it would be as little dangerous as the road from Cape Town to Wynberg. The expense requisite for this purpose could be found from a toll to be levied by the District of Tulbagh, and which could the more readily be effected, as there is already a toll

on this road paid to individuals to defray the imperfect repairs of the same.

3. Continuing the journey from thence, the Commission found between the place of Jacob Beck named the *Draay*, which is generally said to be the last place on this side the Karroo, and that of the field cornet Samuel de Beer, called the *Kweek Valley*, two other places which are very well adapted for resting places: the one, named the *Drie Koppen*, was uninhabited, and some old walls showed that a house had once stood there, while fruit trees in blossom of every description evinced proofs of former cultivation. There appeared to be water enough for the continual use of this place, and it must have been either owing to the incursions of the Bosjesmen, or to a momentary want of water, that this place had ever been abandoned.

The other place is the Zoute Kloof, which we have already mentioned on another occasion; it is at present inhabited, and calculated for more extensive industry. From this place the high road to Graaff Reinet might run two ways, namely either to the Koup to the field commandant Abraham de Klerk, and from thence to the Sneeuwberg, or along the Swarteberg through the Bear Valley to the Camdeboo; the latter is certainly the shortest and most level, but the former runs through a more inhabited country; those two roads could be alternatively made use of according to circumstances or as the Commission pleased, and therefore it would be advisable that they should both be known as high roads, and whichever the Commission intended to take being made known in time to the respective landdrosts previous to setting off, they would thereby be enabled to regulate where relays of cattle should be stationed for the use of the same.

4. The best road from Graaff Reinet to Uitenhage appears to the undersigned to be over Brintjes Hoogte through the Zuureberg and Bosjesman's River, or by a small circuit similar to that the present Commission took through Graham's Town, which the undersigned conceive should be left to the choice of the Commission, as well for the amusement of the gentlemen constituting the same, as in order to enable them to report to Government the progress of cultivation and population made from time to time in those parts. On this side therefore, there should also be two high roads, the choice of which it would only be requisite to communicate to the landdrosts in time, in order to meet with the necessary accommodation.

5. From Uitenhage to George one can take three different roads, namely either along the Winterhoek's berg, or through the Oliphants river, or through Van Staden's, Gamtoos, and Kromme Rivers, and from thence through the Lange Kloof; the last of those roads is the most made use of, and is also in general the best; the first being round about, sharp for the feet of the cattle, and but thinly inhabited, while the second is marshy, troublesome, and affords but little accommodation for the travellers.

The Commission on enquiry also chose the third, which they found good; it would only be necessary just when heavy rains may fall and the rivers considerably swelled in consequence, to take the first mentioned road, so as not to be detained on the journey, and therefore the undersigned are of opinion that both those should also be established as high roads in order to be made use of as circumstances might require.

The Commission on this route made a circuit in order to visit Plettenberg's Bay, leaving the common road out of the Lange Kloof to the Keurboom's River, and in this way passed the mountains which separate the sea coast from the Lange Kloof. This journey can be made in two days, and the passage certainly is one of the most difficult and dangerous in the whole Colony; it could however be rendered much better at some expense, and the work would be well worth it, it being the common road for the carriage of timber from the Plettenberg's Bay to the Lange Kloof and the adjacent districts and back again for the transport of other produce.

In order to get to the Drostdy of George from the Lange Kloof the only road at present is (if one will not make a very long circuit through the Attaquas Kloof) over the Duivel's Kop and through the Kaayman's Gat, passages both very steep and difficult, and which altho' they have been much improved by the care of the landdrost of George, still however must always remain troublesome and dangerous, and cost much to keep them in repair. It was therefore in agitation with the landdrost and heemraden to make a road over the mountain which bounds the Auteniqualand's wood behind the Drostdy at the place where there is now a path which is passed on foot, and sometimes on horseback; but the opinions of the possibility of being able to make a waggon road there with any hope of success seems to be various; previously therefore to going to the expense requisite for that purpose, it would be worth

while to have the same examined by persons skilled therein; and as one can always travel through the Kaayman's Gat, Traka du Kouw, to hold the communication with the Nysna, Plettenberg's Bay, and Keurboom's River, it would therefore possibly be better to keep the road over the Duivel's Kop in good order and repair, so as not to load the district with double expense, and thereby run the risk of the repairs of so many roads being still more deficient.

6. From George to Swellendam the common road runs through the great and little Brak Rivers, and thence over the Gourits, Vet, Duivenhok's and Buffeljagts Rivers, and some other trifling ones not to be mentioned. This road, according to what the Commission has been informed, could be considerably improved in case a flying bridge was established over the Breede River more towards the mouth, near the place of the Widow de Jager or thereabout; whereby being enabled to pass this river one would avoid the numerous precipices between the Vet, Duivenhok's and Buffeljagts Rivers, and especially the latter mentioned (which is the most dangerous in the whole country), as it discharges itself into the Breede River, just above the place where the bridge should be established. Besides this advantage, the road would also be far preferable for the waggons which come from the Lange Kloof and from the eastern parts of the Colony, through the Attaquas Kloof to Cape Town, being two days shorter journey from the Gourits River, where all the roads meet, to the Boontjes Kraal, and which runs along as an almost level plain, with considerable better pasturage for the cattle. The first direction of the road, in order to bring it, as far as circumstances would allow, into a right line, can be best pointed out by the landdrost, and also by the field cornets respectively for so far as their districts extend, on which occasion the regular Uitspan places for this road should be fixed. The landdrost of Swellendam being spoken to on the subject, perfectly agreed therewith, and found no other difficulty than the expense; but when it be considered, that the heavy timber and planks required are to be had in the neighbouring woods, so that the first establishment of such a bridge would not cost a great deal, and also that the keeping the same in repair, it being once erected, could be defrayed by the numerous passengers by imposing a reasonable toll for those who might travel that way, it then appears to the undersigned that the expense requisite for this alteration would not be found so very inconvenient; notwithstanding that

this consideration should in no wise weigh against the general utility which in a colony like this, where there is such an entire want of navigable rivers, most undoubtedly requires everything to be done to promote and facilitate the communication throughout the whole Settlement, by the improvement of the roads, establishment of bridges, and the like.

The undersigned are further of opinion that when once the highway (whether one or more) is determined on and established in this Colony, the distances for which the respective field cornets, each in his own district, should provide the necessary relays of cattle for the service of the Commission of Circuit, other Government Commissions, or individuals, should likewise be fixed, which could be divided by marks or beacons in such manner that on the Proclamation announcing the time of the Commission's departure being promulgated, every field cornet could immediately know when and where he was to require the necessary relays and further proceed therein, under the orders of the landdrost, in such manner that no inhabitant would have any just reason to complain of being heavier burdened than his neighbour. Such a regulation the undersigned are of opinion would considerably tend to expedite the journey, to improve the roads, and effect impartial requisitions which, when well regulated, can scarcely be considered as a burthen.

How such regulations could be best carried into effect the undersigned cannot detail; the respective landdrosts should each for himself give his opinion, or perhaps a general conference of commissioned heemraden from every drostdy would be the best method to form a well connected plan for this purpose.

7. Agriculture, Inland trade, and coasting vessels.

Those three objects are here united in one, in consequence of the natural connection in which the one stands to the other.

The first, agriculture, is in fact not a subject of this report, but for so far as it constitutes a part of the internal trade, and the last only in so far as it is a means of promoting and encouraging the same.

It is too well known to render it necessary to say anything on the subject, that the only ordinary means in this Colony for transport and carriage of produce is by waggons from the one

quarter to the other, from the most distant boundaries of the Colony to Cape Town, and in the same manner are the inhabitants obliged to procure their different necessities in the country districts whether far or near; towards such a heavy expense is necessary, which when the price of waggons, draught oxen, and slaves is taken into consideration, is very considerable, and as it cannot make any difference in the Cape market if the produce comes one day's, one month's, or a farther distance, it speaks for itself that the interior trade being obliged to be carried on by land carriage, it never can be further extended than is sufficient to enable the country people to purchase what they want in town. To make the inland communication, therefore, as facile as possible, and especially to encourage vessels in every bay or other navigable part of the coast, are the only means of giving any life to inward trade, which would also promote agriculture and encrease the different products of the Colony.

There are certainly in this country and especially in those parts situated at the Gamtoos, Van Staden's, Zwartkop's, and *Zondag's Rivers*, many places which are peculiarly favorable for the cultivation of grain, where the earth so fully repays the husbandman for the sweat of his brow that it is accounted a scanty harvest which does not yield more than forty or fifty fold, and there are many examples of reaping from eighty to a hundred; but of what avail is all this fertility in case there be no opportunity of carriage? The trade which is now and then carried on in Algoa Bay will certainly cause a greater consumption of the products which that part of the country yields, and the undertaking of Messrs. Korsten and Pohl is in the highest degree serviceable thereto; it is however a great pity that their undertaking, for so far as it regards the salting of meat, has been commenced so early; because it is now to be apprehended that the cattle in the Zuurveld will be killed too soon, before that they can have time sufficiently to encrease in number and in weight, so as to yield a constant and regular supply; or that the cattle will be driven away from other districts, such as Sneeuwberg, Zwagershoek, Camdeboo, to Algoa Bay, and thereby the stock in a great measure absorbed from which not only the butchers must supply Cape Town, but also the draught oxen provided for the different districts. This evil would however be but trifling and only temporary, in case care were taken for the population of the Zuurveld and the extending of the

breeding of cattle in that district, for which purpose it is only necessary to grant places to the graziers on the old liberal footing which the Commission recommended above, and to which the undersigned again take the liberty to solicit Your Excellency's attention.

What the undersigned have already said regarding the value of the produce of the Colony, considered as dependent on its consumption, is also especially applicable with respect to the vicinity of Mossel Bay; all the lands situated between the Great Brak River and the Gourits River and from thence to the Breede River are uncommonly well adapted for the cultivation of grain; but the relative value thereof cannot be but trifling when we consider the distance from town; and the few opportunities there are of bringing this article to market, and that there are not any other means of carriage than by waggons; but when we reflect that the Mossel Bay is situated in almost the middle of those parts, we may then with reason ask why a greater consumption is not effected through the medium of that bay. And this question will be asked and repeated with still more surprize if one goes himself to Mossel Bay, where there is a store or pack house built for the special purpose of receiving and storing of grain and other produce at the expense of the former Dutch East India Company, but which is now in bad repair and not more made use of for the purpose it was originally destined. It would however require a considerable expense to bring this pack house again into good repair; but if the farmers were assured that their produce would be received and reasonably paid for there, they certainly would cultivate more land than they do at present. Besides by the increase of cultivation, some thousand muids more of wheat would be received in Cape Town, whereby all ideas of scarcity even in unfavorable years would vanish, while new sources would at the same time be opened to the Cape merchants, who could then export a part of the superfluity to Mauritius, Java, and other places, where Cape wheat is always in demand, and which would therefore yield a valuable return cargo for the produce imported here from those places.

The undersigned dare with the more confidence recommend this subject to Your Excellency's consideration, as Mossel Bay affords very safe shelter and anchorage for such vessels as would be sent there for produce; and the trifling expense which might be

required for the purpose could be found by a small payment for anchorage and harbour money. It would exceed the plan of this report to enter into the subject more widely, but the undersigned can assure Your Excellency that in their opinion the interest of the Colony claims the attention of Government on this head ; and as the carriage of produce is extremely difficult and expensive from the total want of navigable rivers, it would be well worth while to promote a coasting trade by every possible means at all the safe bays and other places on the coast, and to favor and encourage the speculations of those who might be inclined to undertake the same.

8. *The Woods.*

It is known from the writings of travellers and reports of others who have made special enquiries on this head, what sorts of timber the forests of this Colony yield, and for what use the different kinds of wood are adapted, and it cannot be expected from the undersigned, who have only seen those forests *en passant*, that they should enter into an actual description of them ; everything therefore which the undersigned have to communicate to Your Excellency in this respect consists in two short observations on the manner and time of felling the timber.

1. The manner of felling the trees is very irregular, and this irregularity must encrease every day. The wood is travelled to and fro till that a tree be found of the necessary height and thickness required for a beam or for planks ; this tree is then cut down and thereupon dragged by means of a great number of oxen out of the wood ; by which operation a number of young trees are destroyed as well by the people as by the oxen, and in proportion as trees are found proper for building the mountains are climbed higher and higher (for the forests are all on the sides of the mountains), by which this destruction of the young trees is continually encreasing and threatens to be attended with very prejudicial consequences, in case no measures be adopted in time to prevent its continuance. For this purpose it has appeared to the undersigned that it would be serviceable to direct and order, that the forests should in future be felled in divisions, so that being separated into certain portions they should be cut down by turns ; and that part out of which the heavy timber was felled one year rest

till that all the other divisions were likewise cut in their turn ; by those means the young trees would be spared for a considerable time and have an opportunity of growing and again yielding serviceable timber.

2. In the cutting of trees no difference of time either is observed ; trees are felled whenever one finds it convenient, without considering if the sap of the tree be encreasing or drying up, and the timber mostly cut up green, and besides exposed to the sun and rain, is then brought to Cape Town and sold ; which when made use of for building shrinks or rots, as the undersigned themselves had the fullest proof of in a new building they met with during their journey.

The Commission are therefore of opinion that a certain time should be prescribed within which the felling of timber should alone be allowed, and having consulted with those skilled therein, the undersigned should propose that the time to be fixed for cutting the trees be from the middle of December to the middle of April ; because that, although vegetation never stands still so long here as in climates where a greater degree of cold causes nature entirely to rest for a part of the year, still however in the above-mentioned months the sap of trees is dried up, and the vegetation very trifling.

In this proposed regulation there is not any hardship for those who find their subsistence by the cutting of timber ; because that in the time mentioned they certainly can fell as many trees as they can saw, work, and transport during the remaining months of the year ; while when once it shall be known in what time of the year only wood may be cut, every person will arrange his affairs so as to reap the best harvest from this means of livelihood.

The care hereof as well as of other points relative to the forests should be committed to skilful and active overseers, under the superintendence of the landdrost of the district in which the forests are situated, who should be obliged from time to time personally to inspect the same, and forward a report thereof to Government ; should it be considered too troublesome to establish this or a similar regulation immediately in all the forests, a trial could be made in those woods which Government has reserved to its own use, and if the beneficial effects which the undersigned have proposed to themselves should be found to result therefrom, it could in such case be the more easily followed up in the other forests.

Before the undersigned leave this subject, they must remark the same respecting the storehouse for timber at Plettenberg's Bay, as they have already observed with regard to the grain magazine at Mossel Bay: namely that it is a great pity it is not in a better state of repair, the consequence of which is that it now affords but a very imperfect and confined storage for the timber, the most of which must remain in the open air, exposed to all the vicissitudes of the weather, till that a vessel arrives to take it to Cape Town. The Resident, Mr. Meeding, who is a very careful and attentive man, declared to the undersigned his sorrow that so little regard was paid to the interests of Government in this respect, and wished for nothing more than to be enabled better to promote the same.

9. Finance and Revenue of the Districts.

This point the undersigned are of opinion does not so properly belong to their province as to call for a detailed report, and they will therefore only take the liberty to make the following observations on what they had an opportunity to hear and remark.

(a) That the collecting the taxes in the different drostdies is not effected on the same equal footing; the reason of which seems to be that the landdrosts proceed therein each more conformably to his own ideas than to any fixed rule, from which nothing is to be foreseen than dissatisfaction and a fruitful source of complaint.

(b) That it is not made known in a sufficiently clear manner to the inhabitants that the taxes and the levying of the same are sanctioned by Government; in consequence of which mistrust of the landdrosts a suspicion arises that they are not authorized so to do; a thing which could be prevented, and all cause as well of injustice on the one side, as suspicion on the other, cut off, in case it were ordered that no taxes should be imposed in any district, nor the manner of levying them fixed, without the sanction of Government, and the taxation being promulgated to the inhabitants in the usual manner.

(c) That although it is but reasonable that the produce of one district should tend to the convenience of the inhabitants of the other, still however it is equally reasonable that the latter should contribute a small acknowledgement to the district from whence they receive such produce, in order to make good the wear and tear of the roads and the like occasioned thereby; on this footing

the inhabitants of other districts pay a small duty to George for the cutting of timber in the Auteniquiland's woods, and which is but fair, as remaining there some time with their cattle they obtain pasturage etc. for them.

The same reason also requires that the inhabitants who come to Uitenhage from other districts to fetch salt from the great Pan near Algoa Bay, and which is not only for their own consumption but for trade, should likewise pay a small duty to the Treasury of Uitenhage, so as therefrom to defray the expence of keeping the salt pan and the roads leading thereto in good order, and which would tend to their own convenience; in the same manner likewise the inhabitants of other districts who go to the Zitsikamma to fell timber should pay something to the treasury there.

The undersigned, without proposing anything directly on this head, only take the liberty to mention the same, and to request Your Excellency's consideration thereon.

10. *Appointment and Division of the Commissions.*

After having now gone through all the subjects which the numerous Judicial duties of the Commission would allow them to pay attention to, there yet remains something to be said in conclusion with respect to the appointment and division of the Commission itself.

By the Proclamation of the 16th May 1811 it is prescribed in Art. 3 that the appointment of the members of the Commission should be made the first year by His Excellency the Governor, and the following years by a majority of the full Court. Agreeably hereto the first Commission in the year 1811 was appointed by the Governor, and as the second Commission in the succeeding year 1812 was divided and established on a different plan, Your Excellency thought proper to make the appointment thereof also; conformably to which, and to Your Excellency's subsequent mandate the undersigned commenced their proceedings accordingly; and they further take the liberty to say they do not see any reason why Your Excellency should not always appoint the succeeding Commissions likewise. The relative situation of all the Commissions to Government is the same; their proceedings as well judicially as in those points which they are to attend to, and on which they have to report to Government, are the same; they all

act by virtue of the Governor's mandate and administer justice immediately in the name of the Sovereign without an appeal to the full Court, from whence it appears natural that they should be appointed by the representative of the Sovereign ; neither would it be advisable to create even the most distant idea in the public mind that the succeeding Commissions, because they were not immediately appointed by the Governor, had less weight or were vested with lesser authority than the preceding ones.

The undersigned are therefore of opinion that it would be useful to alter the said 3rd Article of the Proclamation of the 16th May 1811, in so far that the appointment of the gentlemen who are to constitute the Commission shall always take place by the Governor himself.

Agreeably to the Proclamation of the 16th May 1811, it was the intention that the one and the same Commission should successively visit the five drostdies, as was done by the first Commission conformably to the said Proclamation ; but in the succeeding year 1812 Your Excellency found good to divide those duties between two Commissions, one of which proceeded to Tulbagh and Swellendam, and the other to Graaff Reinet, Uitenhage, and George ; this regulation partly owes its rise to the report of the former Commission, and partly to the multifarious work which it was known would in the year 1812 fall to the turn of the Commission destined for the far distant districts.

The first Commission was induced to make that proposal in their report from experience of the troublesomeness and tiresomeness of a long absence from home, occasioned by having met at some of the drostdies with detailed and circumstantial investigations ; but when it is taken into consideration that the Commission, the duties of which have been executed by the undersigned, although only in the far distant districts, had a much heavier (and they dare with confidence add), a much more delicate task to perform, then one must readily allow that the same reason, which was advanced for dividing the Commission in two, is also applicable towards its being divided into three or more ; but those numerous duties that originated from old transactions, which now first became subjects of regular complaint, and consequently of regular investigation, being at last removed, the undersigned are of opinion that the reasons which induced the former Commission to propose its being divided do not any longer exist, so little that

even the former Commission, who made that proposition, if they had now to report would not advise Your Excellency thereto. At least the undersigned have not any hesitation in recommending a reunion, and in future to cause the different country districts to be visited yearly by one Commission, for which, besides what has been above alleged, there are other reasons, namely:—

(a) The convenience of the members of the Court. It is beyond contradiction that the execution of the duties of the Commission is, although on the one side honorable for the members selected for that purpose, and who in consideration of the public good, willingly and cheerfully discharge them, still however on the other hand it lays a no less burthen on those appointed thereto. In case now the lightening of this burthen as much as possible can be connected with the public utility, such an arrangement is without doubt the most eligible; on this principle it appears clearly to the undersigned (and in case they are allowed the same as the former Commission to appeal to their private feelings, they as well as their companion the late Mr. Strubberg frequently experienced these sensations) that the burthen of being absent from house and home, neglect of private affairs and the like, is the less, in proportion, as it the less recurs, and that therefore when only two members of the Court instead of four are charged therewith every year, it is double the time before each member's turn comes again.

(b) To this is to be added, that it is equally convenient to the gentlemen who might be charged with the circuit of the far distant districts to perform the duties of that for the nearer districts also, as their route runs the same way; they are besides obliged, in order to repay the civility of the landdrosts, to stop a short time with each on their journey, and are generally inclined to take a little rest from the fatigue of travelling, while the examination and putting in order of the waggons frequently renders such a rest at the different drostdies indispensable.

(c) It also appears to be preferable that the records of the Commission of the one year should be kept by the same person, in order to preserve more uniformity in the manner of proceeding in, and treatment of the different suits occurring the same year, which cannot be so well expected from two Commissions, naturally assisted by two different secretaries.

(d) In addition to all which, there is further to be taken into

consideration the saving of expense to Government; the undersigned speak of this lastly, because that they are well convinced when the public good is to be put in the scale with a few hundred rixdollars, a little more or less expense would not be considered of; but as the public utility in the opinion of the undersigned does not prevent the sparing of expense in this respect, they conceive they should give this consideration a place here also.

Against all this, it will be of little weight to start as an objection, what has been advanced in the report of the former Commission as a reason for the division, namely to make it convenient for the old gentlemen members of the Court, for besides that this reason was not any impediment to the appointment of the late Mr. Strubberg, one of the oldest of the members, for the far distant districts; there is also equal inconvenience for persons in years in the so called little Commission, which the undersigned believe Mr. Matthiessen experienced, and when the necessary number of days are taken to rest, which at all events depends on the gentlemen of the Commission, the undersigned dare confidently assure Your Excellency that the long journey will not be found so tiresome as one imagines, and should any of the gentlemen be excused from the duties of the Commission in consequence of advanced age, or bodily infirmities, it would not be a greater hardship, indeed it would even be a lesser one, for the other members, than the dividing of the Commission; because such reasons of excuse would certainly neither be so general or so frequent as to cause the turn of each to revolve so speedily, as would be the case if the Commission were divided.

But however it may be, the undersigned consider this certain that both the Commissions should not be absent together from Cape Town, by which the Court is deficient of four members and therefore in danger, through casual indisposition or other unavoidable impediments of the remaining ones, of wanting the necessary number to carry on the numerous duties of the Court in town, and whereby two persons from the Secretary's office would also be absent at the same time, the inconvenience of which has already been too much experienced.

It may not be improper also to remark here that in the opinion of the undersigned the District of Stellenbosch should also be included in the Proclamation of the 16th May 1811; the same reason, namely to afford people, as well in criminal as in civil

cases, a more speedy and less expensive administration of justice, is as much applicable to this district as to the others, as it frequently, if not always, happens that inhabitants of that district must come to town to give evidence or swear to their depositions in cases brought before Court here, by which such people are liable to much expense, and the cause, especially in criminal cases, retarded, while it may be considered as an advantage in legal proceedings that the witnesses can give their evidence before the judge, who is to hear and decide the case, which enables him to do justice on what he himself finds much rather than on written depositions. If Your Excellency should be pleased to approve of including Stellenbosch in the circuit, the undersigned are of opinion that the Commission which should always leave town about the beginning, or at latest the middle of September, should commence at Tulbagh (for the same reasons more amply stated in the report of the former Commission), from thence proceed to Graaff Reinet and Uitenhage, and returning through George and Swellendam, terminate their proceedings at Stellenbosch; or should Your Excellency deem it more advisable that the Commission should remain divided, (which however the undersigned again take the liberty to advise against) in such case, that Stellenbosch should be included in the Commission of Swellendam and Tulbagh, and that they should set off immediately on the return of the other, beginning at Tulbagh and finishing at Stellenbosch. As it is to be supposed from the greater population of the district of Stellenbosch, that there will be more work there than at the other drostdies, it would therefore perhaps be useful, in order not to encrease the business too much, that two Commissions should proceed thither every year; the one in the manner abovementioned, and the second in some other part of the year, according to the report which might be sent in by the landdrost of the cases which occurred.

Herewith, Your Excellency, the undersigned now conceive that they have completed to the best of their power, the task with which they have been charged by Your Excellency's mandate of the 26th August last, issued to the Commission for the far distant districts. They hope that the form and manner of proceeding, which they observed agreeably to the Proclamation of the 16th May 1811, may meet with Your Excellency's approbation; and that for so far as this report may be considered too extensive, or

as containing other subjects than those immediately judicial, such may be attributed to their desire of complying with Your Excellency's verbal wishes to communicate everything which might appear to them of importance, and to submit their humble remarks to Your Excellency's better judgment, much rather for the good of the public service than from any inclination to intermeddle either with political subjects or matters relating to Government, otherwise not belonging to the judicial province; and they therefore hope to be at least considered as having used their best endeavours to comply with Your Excellency's intention.

In the meantime the undersigned cannot close this report without doing justice to the different landdrosts, heemraden, field cornets, and all the inhabitants whom they met with in their journey, and in whom the Commission found a spirit of attachment to Government and a due respect to the dignity of justice; while the assistance and ready willingness, which the Commission everywhere experienced, enabled them to prosecute their journey with pleasure and with as much speed as circumstances would allow of.

It is however very painful to the Commission to be obliged to exclude from this generally good character A. van der Lith, vendu clerk at the District of George, who was the only person high or low at all the respective drostdies who did not think it worth his while to pay his respects to the Commission, much less to offer his service in the unusual and weighty proceedings which took place, especially at George, notwithstanding that he knew from the example of the preceding year that his services could have well been made use of; it is true the Commission could have required his assistance; but as all the others, who were in any respect capable, had ambition enough to offer themselves, the secretary of the Commission preferred not doing Van der Lith the honor of being employed in the duties thereof, so as to put him on the same footing as the other really industrious young men.

It is with much more pleasure that the Commission mention the clerk and messenger of the landdrost of Uitenhage, J. H. Lange, a young man who, with the most active industry, unceasing readiness, and good will, joined to an engaging civility, continually assisted, besides his ordinary duties, in the voluminous writing which was required at the Drostdy of Uitenhage, and wherefore the Secretary of the Commission could not avoid expressing the satisfaction on every occasion, accompanied with his

wishes that some opportunity might be found for the promotion of this young man's future welfare.

A like flattering acknowledgement have the undersigned to give of all the British officers whom the Commission met on their journey; not only at the headquarters at Graham's Town, but also at all the detached outposts, the officers shewed that respect to the Commission which is due to the dignity of the sacred function with which they were vested, and besides evinced that regard and attention which make society agreeable, and which those who have had a liberal education expect from one another.

The undersigned submitting everything which is stated in this report to Your Excellency's mature consideration and final opinion and wishing Your Excellency every possible prosperity and the blessings of the Almighty on Your Excellency's Government of this Colony, have the honor etc.

The Commission for administering Justice in the far distant Districts:

(Signed) P. L. CLOETE

In the name and by order as aforesaid.

(Signed) G. BEELAERTS VAN BLOKLAND,
Secretar

[Enclosure 1.]

List of Cases tried before the Commission of the distant C in the year 1812.

Graaff-Reinet.—Criminal Cases.

1. The Landdrost J. H. Fischer R. O. Prosecutor, *ver* Boschman Toko or Oortman, Prisoner in a case of murder wife and others. On account of further evidence being the Landdrost is directed to investigate, and to transmit to his Official Agent in Cape Town, in order to proceed before the full Court, to whose cognizance this case is to be submitted, in consequence of the Proclamation of May 1811, Art. 2.

2. The Landdrost J. H. Fischer R. O. Prosecutor, *ver* Adam de Beer, Defendant in a case of manslaughter of the Hottentot Hannes. The Defendant acquitted.

3. The Landdrost J. H. Fischer R. O. Prosecutor, *versus* Thomas Arnoldus du Toit, in a case of ill treatment and consequent death of his Slave Adonis. The accused being just on a journey to Cape Town, the Trial could not take place; but the Commission having perused the inquest on the Body and the previous examination of witnesses by the Landdrost, directed the Landdrost to continue his enquiry and to proceed further according to Law.

4. The Landdrost J. H. Fischer R. O. Prosecutor, *versus* the Hottentots Maurits and Lambert, prisoners in a case of killing some Bushmen. The prisoners acquitted.

5. The Landdrost J. H. Fischer R. O. Prosecutor, assisted with the legal advice of Mr. G. Beelaerts van Blokland, according to an order of Government, *versus* Gerrit Lindeque, Defendant in a case of cruel treatment of the Hottentot Ruiter Jonker as contained in the information of the Missionaries Van der Kemp and Read. The Defendant acquitted.

Civil Cases.

1. Samuel Feith Oertel as agent of Bernardus Wienand, by power of attorney dated 10th of April 1812, Claimant, *versus* the Deputy Messenger J. G. Vos, summoned to shew cause why he should not be condemned in the sum of nine hundred and sixty-four Rixdollars and four Skillings with the costs for sundry wares and merchandizes sent to him on the 22nd March 1810. The claim adjudged, deducting however such part as was proved by proper receipts to have been paid by the Defendant.

2. Frederick Preller as agent of Johan Casper Liese Brink, by power of attorney dated 20 July 1812, Claimant, *versus* Gerrit Meynhard, summoned to shew cause why he should not be condemned in the following sums, viz. (1) seven thousand six hundred and seventy Rixdollars and one Skilling, agreeably to a promissory note bearing date 25 August 1810, payable at the expiration of six months; (2) four hundred and eighty-five Rixdollars and two Skillings, in consequence of a promissory note dated 11 September 1810, payable six months after date, together with the interest of the said sums; (3) six Rixdollars and four Skillings paid by the claimant to the Notary Public Mr. Neethling on account of the case, together with the further expenses to be incurred in this suit, the claimant however offering to deduct so much as the defendant

shall prove to have paid. The claim adjusted, and an agreement made between the parties as to the mode of payment.

3. The complaint of a Hottentot girl named Catryn, brought forward by the Missionaries Van der Kemp and Read, and contained in their information List 3, *versus* the widow of Salomon Stigling, for oppression committed on her deceased husband and keeping her in service. The said Hottentot woman explained the fact much to the satisfaction of the party accused, and declared that she had nothing to complain of, but on the contrary that she was in her mistress's service by her own voluntary act, and wished to remain there. The Commission recommended the parties to enter into a regular contract according to the existing Regulations, and to renew the same as frequently and for such terms as they should agree upon.

4. The complaint of the Hottentot Zwartbooy Dragonder, contained in the informations of the Missionaries, List 3, *versus* Christoffel Botha for oppression. The said Hottentot had not entered the complaint on the rolls, and as he was residing at Bethelsdorp and the Sunday river not having been fordable for many days the Commission conceived that this circumstance might have prevented him from appearing at this Drostdy, and therefore recommend that case to the Landdrost.

Uitenhage.—Criminal Cases.

1. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* Johan Nicolaas Deynhard, prisoner in a case of (1) neglect in his duty as under sheriff, (2) cruelty towards two Hottentots detained in the tronk. Sentence passed.

2. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* the Hottentot Witbooy Tarantaal, Prisoner in a case of wilful murder on the Hottentot Flip, and cutting the corpse to pieces. Sentence passed by the full Court, to which the case was referred according to the Proclamation of the 16th May 1811, Art. 2.

3. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* the Bastard Hottentot Jan, Prisoner in a case of theft. Sentence passed.

4. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* Johannes Jurrie van Staden, Provisional Field Cornet in the district Winterhoek, for discharging a gun on the Hottentot Witbooy Heintema.

The Defendant severely reprimanded and condemned in the costs of the suit.

5. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* the Hottentot Witbooy Heintema, for disobedience to the son of his master P. Grobbelaar, in absence of the latter, and threatening to stab him with an assegai. Acquitted *ab instantia*.

6. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* the Hottentot Witbooy Heintema, for impudence and threats against the wife of his master Christiaan Schutte. Acquitted *ab instantia*.

7. The Landdrost J. G. Cuyler R. O. Prosecutor, *versus* the Field Cornet Louis Jacobus Nel, and the Provisional Field Cornet Johannes Petrus Nel, for having shot the Hottentot Wildschut. The first defendant suspended for the time of a year from his office of Field Cornet and condemned in the costs of the suit, the second defendant acquitted.

8. Mr. G. Beelaerts van Blokland Prosecutor by virtue of a Government letter bearing date 31 July 1812, *versus* Barbara Janse van Rensburg, wife of Marthinus Oosthuyzen, for cruel treatment of a female slave of which death was said to have ensued, agreeably to a charge contained in the informations of the Missionaries Van der Kemp and Read. Acquitted.

9. The same Prosecutor *versus* Marthinus Oosthuyzen, for neglecting to report the death of a female slave, as described by the Regulations for the Country Districts, Art. 236. Condemned in the fine of Rds. 25 and the costs of the suit.

10. The same Prosecutor *versus* Theunis Botha, for cruel treatment of the female slave Dina and one of her children, of which the latter was said to have died, according to a charge contained in the informations of the Missionaries. Acquitted from this charge, but fined Rds. 25 with the costs for having neglected to report the death of the child according to the prescribed Rules.

11. The same Prosecutor *versus* . . . Nel, for murder of a Gonaqua Hottentot, being a charge contained in the informations of the Missionaries. The person of the accused not having been identified and one of the principal evidences not being present, directions have been given to the Landdrost to investigate the case and transmit the result.

12. The same Prosecutor *versus* some person or persons unknown for the killing of two Hottentots by the patrol of Gabriel Stolts, this being a charge contained in the informations of the Mis-

sionaries. After a full investigation no ground for action was found, but as it was said that the fact has happened previous to the time of the present English Government, the Prosecutor was directed to transmit this proceeding to His Majesty's Fiscal, as charged with reporting upon the whole of the cases belonging to that period and contained in the informations of the Missionaries.

13. The same Prosecutor *versus* Jacobus Scheepers, in a case of murder of the Hottentot Jan Blaauw contained in the informations of the Missionaries. It having appeared in the course of this enquiry that the same case had been already a matter of cognizance of the full Court in Cape Town, the Prosecutor was directed to inspect the retro acta after his return, and to take such steps as he should think proper according to law. This having been done, the proceedings were laid before the full Court, and the case was terminated by a declaration, according to the Prosecutor's statement and opinion, that no grounds for an action existed, and that the Landdrost Cuyler had completely discharged his duty.

14. The same Prosecutor *versus* Petrus Rasmus, suspected on account of the Hottentot Daniso (or Zwartbooy) having disappeared, contained in the informations of the Missionaries. Acquitted of every suspicion.

15. The same Prosecutor *versus* Johannes Strydom, in a case of murder of a captured Hottentot, contained in the informations of the Missionaries. Information having been given that this case had happened under the present English Government, the Prosecutor was authorized to bring this case over in the List 1 and to proceed on the same. After the previous examinations were taken, a bill of indictment was found against the defendant and he was committed to prison, and the proceedings being closed the case was reserved to the full Court.

16. The same Prosecutor *versus* Johannes Kalits and Willem Pretorius, to account for the death of the Hottentot Gezwind, a case contained in the informations of the Missionaries. This case was transferred on the List 1 for the same reasons as the former case No. 15. After a minute investigation the death of Gezwind was satisfactorily proved to have been an accidental one, and the parties accused consequently acquitted of the charge and of every suspicion.

17. The same Prosecutor *versus* the Hottentot Jan Tamager,

for false testimony. The defendant condemned to hard labour in irons at the Drostdy for the term of four months.

18. The Landdrost J. G. Cuyler R. O. Prosecutor *versus* the Hottentot Fredrik Fix, for false testimony. The defendant condemned to be flogged by the constables and to hard labour at the Drostdy for two months.

19. The Landdrost J. G. Cuyler R. O. Prosecutor *versus* the female Hottentot Jacomyn, on a charge of being the cause of her master's child being burned to death. After investigation as far as possible during the residence of the Commission, the accused was committed to prison and the Landdrost directed to complete the enquiry and report the result to the full Court, which being done the prisoner was acquitted.

20. The Landdrost J. G. Cuyler R. O. Prosecutor *versus* Isaac Abraham van Niekerk, on a charge of murder of a child. Acquitted of the charge.

21. The Landdrost J. G. Cuyler R. O. Prosecutor *versus* Ignatius Leopoldus Rautenbach, accused of cruel treatment (when Field Cornet) of the Hottentot Andries Jantjes in the service of Piet du Prée. It having appeared that the Landdrost had already terminated this complaint to the satisfaction of the plaintiff Andries Jantjes, the Commission acquiesced, and found no grounds for a new trial.

22. The Landdrost J. G. Cuyler R. O. Prosecutor *versus* Johannes Albertus van Niekerk, accused of cruel treatment of the female Hottentot Jacomyn, of which her death was said to have been the consequence. The defendant fined in the sum of Rds. 25 for neglect of reporting the death of Jacomyn according to law, and as to the principal charge, after investigation as far as possible during the residence of the Commission at the Drostdy, further enquiry was recommended to the Landdrost, and to report the result to the full Court, which having been done the defendant was acquitted of the charge.

23. The Landdrost J. G. Cuyler R. O. Prosecutor *versus* Michiel Fredrik Reyneke, defendant in a case of ill treatment of the Hottentot Windvogel. The defendant condemned in Rds. 10 and costs, and the Hottentot Windvogel discharged from staying any longer under defendant's command.

Civil Cases.

1. J. Knobel, as agent of Johannes Gysbertus van Reenen, clamaint *versus* Theodorus Cornelis Senekal, defendant in a case of debt, being the balance of an account. The defendant not having appeared, the first default was decreed with the effect according to law, and a second citation granted.

2. Charles Hartman, Lieutenant in His Majesty's 83rd Regiment, plaintiff *versus* Matthys Morgenstryd, defendant in a case of defamation. The parties having agreed, as was reported by the District's Clerk, this case was dismissed.

3. The Hottentot Cobus Boezak plaintiff *versus* Willem Prinsloo, defendant on a claim for a cow. Settled by an agreement between the parties.

4. The Hottentot Africaander Oerson plaintiff *versus* J. J. Bonté, defendant on a claim for twelve ewes and some other cattle. Ten Rixdollars adjudged, the further claim rejected.

5. The Hottentot Hendrik Bruintjes plaintiff *versus* Jan Bos, defendant in a claim for twenty head of cattle and some sheep. The defendant being deceased, directions were given to the Landdrost to investigate the particulars of this case and to take care that the cattle in question may be put in possession of the lawful owners.

6. The Hottentot Coert Malgas plaintiff *versus* Jan Steyn, defendant on a claim for wages for eight years due to his wife Sara Spanger. Settled by an agreement between the parties.

7. The Hottentot Booy Cupido plaintiff *versus* Jasper Slabbert, defendant on a claim for thirteen sheep. Settled by an agreement between the parties.

8. The Hottentot female Dato Trompetter plaintiff *versus* Willem Krieger, defendant on a claim for cattle, being the wages of the plaintiff's deceased husband. The plaintiff was not found to be entitled to claim the wages of her late husband, but as a remuneration of her personal service a cow was adjudged to her.

9. The Hottentot David Dirk plaintiff *versus* Gerrit van Rooyen, on a claim for a cow. Defendant condemned to deliver a cow with the calves of five years, and besides this fined Rds. 50, gross oppression having been proved.

10. The female Hottentot Griet Jantjes plaintiff *versus* P. van

der Merwe, Junior, defendant on a claim for cattle. Claim rejected.

11. The female Hottentot Jannetje Claasen plaintiff *versus* Daniel Botman, defendant on a claim for two hundred sheep and some head of cattle. Settled by an agreement between the parties.

12. The female Hottentot Cafferein plaintiff *versus* Gabriel Stolts, defendant on a claim of wages for twenty-five years. The account settled by an agreement between the parties.

13. The Hottentot Magerman Jager plaintiff *versus* Ignatius Rautenbach, defendant on a claim for forty head of cattle, forty sheep, and fifty goats. Eight head of cattle and thirty-eight sheep adjudged on the consent of the defendant, further claim rejected.

14. The Hottentot Willem Valentyn plaintiff *versus* Piet du Pree, defendant on a claim for three bullocks. Settled by an agreement between the parties.

15. The Hottentot David plaintiff *versus* Piet du Pree defendant, on a claim for five sheep and a cow. The defendant having acknowledged the claim was condemned in the same.

16. The female Hottentot Griet Roman plaintiff *versus* Johannes Janse van Vuuren, defendant on a claim to deliver the children of the plaintiff's brother. The claim rejected.

17. The Hottentot Jan Windvogel plaintiff *versus* Jacobus Vermaak, defendant on a claim for three head of cattle. Settled by an agreement between the parties.

18. The Hottentot Piet Jantjes plaintiff *versus* the Landdrost J. G. Cuyler and the Field Commandant Willem Nel, defendants on a claim of indemnification for having prevented the plaintiff from going to Bethelsdorp. The claim rejected, and the plaintiff for his malicious and defamatory action condemned to suffer corporal punishment in the public prison and to be confined on bread and water for fourteen days.

19. The Hottentot Ruiter Bartman plaintiff *versus* the Landdrost Cuyler, defendant on a claim of indemnification for being beaten without reason when upon the Commando against the Caffers. The claim rejected, and the plaintiff condemned for defamation to suffer corporal punishment in the public prison.

N.B. In both these cases the condemned only received a few lashes, the remainder of the punishment being remitted at the request of the Landdrost.

20. The female Hottentot Hanna Samson plaintiff *versus* Andries

du Pree, defendant on a claim to deliver the plaintiff's child. The Landdrost and the District's Clerk having reported that an agreement was made by the parties, this case was dismissed.

21. The Hottentot Jan David plaintiff *versus* P. du Pree, defendant on a claim to deliver a cow. Settled by an agreement between the parties.

22. The Hottentot Ruiter Jacob plaintiff *versus* P. du Pree, defendant on a claim for twenty head of cattle left with the defendant by the plaintiff's parents. The plaintiff having accepted two muids of wheat in payment of his claim, as offered by the defendant, the case was settled in this way.

23. The female Hottentot Alet plaintiff *versus* D. Nel and Stoffel Kloppers, defendants on a claim of indemnification for plaintiff's brother having been murdered by the Caffers when in the service of the defendants. Claim rejected.

Respecting all these cases in which the claims were either admitted or an agreement made by virtue of which the Hottentot was to receive some cattle from the defendants, the Commission, in order that the parties should not be vexed with new litigations about the forms of execution, and conceiving that as well common justice as the public interests required the final terminations of those old complaints, directed the Landdrost to enforce the execution of the said sentences or agreements without any further proceedings.

Besides the cases above stated, the Commission, at the request of the Landdrost, proceeded to an enquiry of all such complaints of Hottentots brought forward by the Missionaries in 1811 and classed under the Head 3, altho' not brought before the Commission by the parties, in which reflections had been cast upon the conduct of the Landdrost as a Magistrate of the District, the result of which investigation may be seen in detail in the records.

George.—Criminal Cases.

1. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the female Hottentot Kleyna, prisoner on a charge of murder of the Hottentot Isaak Manas. Sentence passed by the full Court, to whom the case was referred according to the Proclamation of the 16th May 1811, Art. 2.

2. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the

Hottentot Ruiter, prisoner on a charge of murder of . . . Schouten. As above.

3. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the black constable Antony, prisoner on a charge of bestiality with a bitch. As above.

4. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the Hottentot Speelman, prisoner on a charge of cattle stealing. Sentence passed.

5. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the Hottentot Michiel Goris, prisoner on a charge of having set the Government's wood on fire. Acquitted of this charge, and the detention he had undergone declared to be a sufficient correction for his imprudent conduct.

6. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* Stephanus Schoeman, Jan Hendrik Bekker, and Marthinus Schoeman, defendants on a charge of cruel treatment and murder of several Hottentots and female Hottentots in their service, and the third especially of having shot the Hottentot Daniel. The previous examination of witnesses having been exhibited, a bill of indictment by way of personal citation was found, and trial ensued, which being closed, the first defendant was acquitted; the second was condemned in a fine of Five Hundred Rixdollars and the costs of suit, and all the Hottentots in his service were released from their engagements; the case of the third defendant, he being committed to prison, was reserved to the full Court, (according to the Proclamation of the 16th May 1811), where he is now admitted to an ordinary process.

7. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the female Hottentot Sabina, prisoner on a charge of wounding the female Hottentot Sara Papier. Condemned to be privately flogged.

8. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* Ignatius ter Blanche, Nicolaas Rademeyer, and . . . Baum, defendants on a charge of cruel treatment towards the female Hottentot Keetje. The first defendant acquitted, the second defendant acquitted, the third, having been prevented from appearing by indisposition, his case was laid over until his recovery, and the Landdrost directed accordingly.

9. The Landdrost A. G. van Kervel R. O. Prosecutor, assisted with the legal advice of Mr. G. Beelaerts van Blokland according to order of Government, *versus* Anna Elizabeth Camfer, wife of

Hendrik van Staden, and Ignatius ter Blanche, defendants on a charge of cruel treatment of the female Hottentot Catryn Steven. The defendants condemned in a fine, the first of forty, the second of ten Rixdollars, and the costs of suit: the first in three-fourths, the second in one-fourth.

10. The Landdrost A. G. van Kervel R. O. Prosecutor, assisted with the legal advice of Mr. G. Beelaerts van Blokland, according to order of Government, *versus* (1) Pieter Hendrik Ferreira, defendant on a charge of cruel treatment of the Hottentot Kleinveld, and (2) Martha Ferreira, the wife of P. H. Ferreira, defendant on a charge of having killed the slave girls Steyn and Manissa and the female Hottentots Griet, Roosje, Mina, Abigael, and Rachel, and cruel treatment of the Hottentots Hendrik, Kleynveld, and Hans, and the female Hottentot Lys. No grounds for action against the first defendant were found. A bill of indictment by way of personal citation was found against the second defendant, and after a full investigation as far as possible during the residence of the Commission, the Landdrost was directed to summon the witnesses to whose testimony the defendant had appealed before the Court in Cape Town, and further to proceed according to Law; the defendant gave bail also to appear.

11. The Landdrost A. G. van Kervel to report upon the enquiry which he made in consequence of an order of the former Commission, on an accusation against Matthys Zondag of cruel treatment of one of his slaves, who had died. The documents exhibited by the Landdrost having been examined, no grounds for any further proceedings were found, and the Commission in consequence acquiesced in what was done by the Landdrost.

12. The Landdrost A. G. van Kervel R. O. Prosecutor *versus* the Hottentot Smit Maurits, prisoner on a charge of false testimony. The prisoner condemned to suffer a severe flogging in the public prison and to be confined at the public works of the Drostdy for six months.

Civil Cases.

1. The Hottentot John Kievit, private in the Cape Regiment, plaintiff, *versus* the widow Andries Oelofse, defendant on a claim for cattle. Settled by an agreement between the parties.

2. The Hottentot Cobus Boezak plaintiff *versus* Cornelis Rademeyer, defendant on a claim for restitution of cattle. As above.

3. The Hottentot Cobus Boezak plaintiff *versus* Ignatius Ferreira, defendant on a claim for restitution of a young stallion. Claim rejected.

4. The Hottentot Hendrik Boezak plaintiff *versus* Ignatius Ferreira, as heir to his father Pieter Ferreira, defendant on a claim for a mare with a young stallion. Claim rejected.

5. The Hottentot Jan Boezak plaintiff *versus* Ignatius Ferreira, defendant on a claim to deliver a heifer and six months wages. The defendant condemned in the delivery of the heifer and Six Rixdollars as offered by him, and the plaintiff's further claim rejected.

6. The Hottentot Kleinbooy plaintiff *versus* Marthinus van Rooyen, defendant on a claim for upwards of forty head of sheep. Claim rejected.

7. The Hottentot Jan Tamager plaintiff *versus* Cornelis Rademeyer, defendant on a claim for payment of a certain account, and restitution of a cow. The claim rejected, provided the defendant do affirm the correctness of his Book on oath, and on failure of the same to pay twenty-four Rixdollars, deducting however such parts as are acknowledged by the plaintiff.

8. The Hottentot Jan Martinus plaintiff *versus* Stephanus Strydom, defendant on a claim of pretension. Settled by an agreement between the parties.

9. The Hottentot Kleinveld Platje plaintiff *versus* Gerrit Thomas van Rooyen, defendant on a claim for six head of cattle. Claim rejected.

Respecting the execution of such civil actions as had been adjudged to Hottentots, a similar direction was given to the Landdrost as the Commission had done at Uitenhage.

Extracted from the Records of the Commission for the distant Circuit in 1812.

Quod attestor.

(Signed) G. BEELAERTS VAN BLOKLAND, Secretary.

[Enclosure 2.]

Extract from the Civil Records of the Commission for administering Justice in the far distant Districts.

GRAAFF REINET, *Saturday 17th October 1812.*

The Commission thereupon in compliance with the 54th Article of the Proclamation of the 16th May 1811 demanded the statement of the executions carried into effect by the Landdrost and Heemraden as Sequestrators, agreeably to the Decrees of the preceding Commission, or in case of non execution to account for the same. Upon which Mr. Thomas Muller, the Secretary, states that there were not any other sentences of the preceding Commission carried into execution excepting one of separation between Johannes Christoffel Kockeman and Anna Francina Viljoen, dated the 27th December 1811, respecting which the Secretary reported that an inventory of the joint estate being made on the said 27th December, a sale was accordingly held of the same on the 10th March following, but that the final liquidation and settlement was still to be made.

Wherefore the Commission resolved to note the same in this record, and to leave the examination of the liquidation and settlement of the estate to the succeeding Commission.

UITENHAGE, *Wednesday, 25th November 1812.*

The Commission thereupon in compliance with the 54th Article of the Proclamation of the 16th May 1811, demanded the statement of the executions carried into effect by the Landdrost and Heemraden as Sequestrators, agreeably to the Decrees of the preceding Commission, or in case of non execution to account for the same. Upon which Mr. Knobel, the Secretary, reported that there were not any sentences of the preceding Commission given over to the Landdrost and Heemraden for execution.

Resolved to note the same in this Record.

GEORGE, *Friday, the 1st January 1813.*

The Commission thereupon in compliance with the 54th Article of the Proclamation of the 16th May 1811 demanded a statement of the executions carried into effect by the Landdrost and Heem-

raden as sequestrators, agreeably to the decrees of the preceding Commission, or in case of non execution to account for the same. Upon which Mr. J. J. Bam, the Secretary, produced a liquidation account of a sentence pronounced by the former Commission in the case of the Landdrost A. G. van Kervel contra Jan Gerard ter Blans and his wife, in which account it was found that the defendants were charged with five per cent as customary on judicial sales, besides two and a half per cent for the vendue, which latter the Commission hesitated to admit, because it appeared to them that the Secretaries of the Country Districts did not act in this respect in their ordinary capacities as vendue masters, but in the name of the Board of Landdrost and Heemraden instead of the Chamber of Insolvency, wherefore the Commission resolved to inform themselves on their return to town at the Chamber of Insolvency respecting the charge of percentage on judicial sales which are held in the Country Districts on behalf of the said Chamber, in order that thereupon further regulations may be made respecting the administration of the said five per cent and two and a half per cent, amounting together to seven and a half per cent.

[Enclosure 3.]

Extracts from the Civil Records of the Commission for administering Justice in the far distant Districts.

GRAAFF REINET, *Friday, 16th October 1812.*

Mr. J. H. Eckhard, the District's Clerk, in compliance with the 14th article of his instructions produced to the Commission for ratification the different arrangements inserted in his Register, made between the following parties through the interference of the Landdrost.

1. Johannes Erasmus complainant in a case of claim for the fulfilment of a contract of sale contra Theodorus Heegers, registered in the protocol of the District's Clerk.

2. Christiaan Johannes Janssen complainant in a case of claim on a promissory note contra Zacharias Adriaan van Jaarsveld, registered in the protocol of the District's Clerk.

3. Christiaan Johannes Janssen complainant in a case of claim on a promissory note contra Johannes Marthinus Enkel, registered in the protocol of the District's Clerk.

4. Samuel Veith Oertel in a case of verbal injury contra Jan
IX.

Godfried Vos defendant in said case, registered in the protocol of the District's Clerk.

Whereupon the Commission, after examination of the statement of the parties inserted in said protocol, ratified the arrangements made between the parties, and they caused the following sentence of confirmation to be inserted in the said protocol under each of the abovementioned cases :—

The Court ratifies the arrangements made, and condemns the parties to the due performance thereof.

UITENHAGE, *Monday, 30th November* 1812.

Mr. F. Auret, the District's Clerk, in compliance with the 14th article of his instructions, produced to the Commission for ratification the different arrangements inserted in his register, made between the following parties through the interference of the Landdrost.

1. Anna Maria Buitendag, wife of Gerrit Knoetze, plaintiff in a case of injury contra Johanna van Vuuren, wife of Pieter Bezuidenhout, defendant, registered in the protocol of the District's Clerk.

2. Charles Hartman plaintiff in a case of injury contra Matthys Morgenstryd defendant in said case, registered in the protocol of the District's Clerk.

3. Hanna Samson plaintiff for the delivering up of her child contra Andries du Pré defendant in said case, registered in the protocol of the District's Clerk.

4. Johannes Nicolaas Stassen plaintiff in a case of pretension contra Jacobus Petrus Carelse defendant in said case, registered in the protocol of the District's Clerk.

5. Sila Ruyter plaintiff in a case of pretension contra Coenraad Vermaak defendant in said case, registered in the protocol of the District's Clerk.

6. Sila Prins plaintiff contra Coenraad Vermaak defendant in said case, registered in the protocol of the District's Clerk.

7. Agniet plaintiff in a case of pretension contra Daniel Botman defendant in said case, registered in the protocol of the District's Clerk.

Whereupon the Commission, after examination of the statements of the parties inserted in said protocol, ratified the arrangements made between the parties, and they caused the following sentence

of confirmation to be inserted in the said protocol under each of the abovementioned cases :—

The Court ratifies the arrangement made, and condemns the parties to the due performance thereof.

GEORGE, *Friday, 1st January 1813.*

Mr. D. Coolhaas, the District's Clerk, in compliance with the 14th article of his instructions, produced to the Commission for ratification the different arrangements inserted in his Register made between the following parties through the interference of the Landdrost.

1. The Hottentot Cobus Boezak plaintiff in a case of pretension contra Cornelis Rademeyer defendant in said case, registered in the protocol of the District's Clerk.

2. The Hottentot Ruiter Soldaat plaintiff in a case of pretension contra Marthinus Ferreira defendant in said case, registered in the protocol of the District's Clerk.

3. The Hottentot Lena Ruiter plaintiff in a case of pretension contra Marthinus Ferreira defendant in said case, registered in the protocol of the District's Clerk.

4. The Hottentot Croes Magerman plaintiff in a case of pretension contra Theodorus Minne defendant in said case, registered in the protocol of the District's Clerk.

5. The Hottentot Speelman Matroos plaintiff in a case of pretension contra Ignatius Ferreira defendant in said case, registered in the protocol of the District's Clerk.

6. The Hottentot Joachim Vogel plaintiff in a case of pretension contra Carel de Jager defendant in said case, registered in the protocol of the District's Clerk.

7. The Hottentot Speelman Matroos plaintiff in a case of pretension contra Pieter Ferreira defendant in said case, registered in the protocol of the District's Clerk.

8. The Hottentot Jan Tamager plaintiff in a case of pretension contra Salomon Ferreira defendant in said case, registered in the protocol of the District's Clerk.

9. The Hottentot Kaatje plaintiff in a case of pretension contra Stephanus Strydom defendant in said case, registered in the protocol of the District's Clerk.

10. The Hottentot Jan Hans plaintiff in a case of pretension

contra Salomon Ferreira defendant in said case, registered in the protocol of the District's Clerk.

11. Susanna Catharina van der Schyff plaintiff in a case of promise of marriage and defloration contra Jacobus Hercules du Prees, Senior, defendant in said case, registered in the protocol of the District's Clerk.

Whereupon the Commission, after examination of the statements of the parties inserted in said protocol, ratified the arrangements made between the parties, and they caused the following sentence of confirmation to be inserted in the said protocol under each of the abovementioned cases:—

The Court ratifies the arrangement made, and condemns the parties to the due performance thereof.

[Enclosure 4.]

Extracts from the Criminal Records of the Commission for administering Justice in the far distant Districts.

GRAAFF REINET, *Saturday, 17th October, 1812.*

The Commission having this day proceeded to comply with Articles 63, 64, and 65 of the Proclamation of the 16th May 1811, the Secretary Thomas Muller exhibited in the name of the Landdrost and Heemraden the following list of the disputes between Hottentots and their masters brought before that Board since the 1st January last to this date, agreeably to the Proclamation of the 1st November 1809.

1. Mina, in the service of the burgher Hendrik Kruger. The former severely reprimanded and sent back.

2. Andries, in the service of Willem Sterrenberg Pretorius, discharged by the latter. The former, however, ordered by the Commissioners to pay the debt due to the latter or to serve for it.

3. Lena, wife of the church slave Adam. Forbid the village in consequence of her irregular conduct.

4. Posthouder, in the service of the Field Cornet David Schalk van der Merwe. The former being obliged yet to serve 8 months voluntarily returned.

5. Mietje and Betje, in the service of the burgher Hermanus Potgieter. The former, Mietje, kept in prison till further orders; but Betje returned to her service with an augmentation of wages.

6. Willem in the service of Pieter du Plessis. The former put into confinement with the abovementioned Mietje.

7. Willem, in the service of the burgher Pieter du Plessis. The former having remained here since the last session of Commissioners, condemned to a domestic punishment of eighty lashes and sent back to the latter.

8. Galant, employed on the public works. Complained of by the under sheriff for disobedience, which being proved punished with twenty lashes.

9. Catryn, in the service of Hendrik Woeste. The former punished with twenty lashes and sent back.

10. Posthouder Magerman, in the service of the Field Cornet David Schalk van der Merwe. The former punished with a correction of thirty lashes at the expense of the master.

11. Floris and Gerrit, in the service of the widow M. C. Dippenaar. The former seriously reprimanded, and the latter condemned in the costs incurred.

12. Vrolyk, in the service of Andries Adriaan Smit, Senior. Complained of the inhabitant Christiaan Janssen. Held in advice till the 11th instant.

13. Hermanus, in the service of Nicolaas Grobler.. The former corrected with fifty lashes at the master's expense and returned to him.

14. The Bastard Pieter Jacobs, in the service of Jan Cornelis. The former condemned to return to his service.

15. The Bastard Frederik, in the service of Jan Cornelis, contra Frederik Preller. Both reprimanded.

16. Kobus Ambroos, in the service of Jan Pienaar, contra Andries Pieter Burger. The parties reprimanded.

17. Hermanus, in the service of Klaas Grobler, and Mietje, in that of Hermanus Potgieter, to remain at the village till further order.

18. Claas Pieter, in the service of the Revd. Mr. Kicherer, contra Jan Cornelis. The latter condemned in a penalty of ten Rixdollars and the costs.

19. Snel, in the service of the burgher G. J. Oberholster. Returned back with his wife to his master, and the latter condemned in the costs.

20. Hendrik, in the service of Gerrit François Meynhard. The latter condemned in a penalty of ten Rixdollars with the costs,

and further to pay the plaintiff his wages earned, who was discharged from his service.

21. Lambert, in the service of the burgher Abraham Carel Greyling. The master not present. Resolved to write to him again.

22. Leentje, in the service of the burgher Gerrit Pretorius. The former released from her service, and at the same time ordered not to hire herself in this village.

23. Griet, in the service of the burgher Philip Jacobs. Released from her service.

24. Marie, in the service of the burgher Schalk Willem van der Merwe. The latter condemned in a penalty of ten Rixdollars with the costs, and the maid discharged from his service.

25. Lambert, in the service of the burgher A. C. Greyling. Vide No. 21. Discharged from his service, as not being legally hired.

26. Alet and Fytje, in the service of the burgher Johannes Smit. His wife seriously reprimanded and condemned in the costs, and the former for this time sent back to their service.

27. David Abrams, in the service of the inhabitant Christiaan Janssen. The former condemned to serve out his time, and the latter strictly to pay the wages agreed for as well as those already earned.

Which list being compared with the record kept by the Landdrost and Heemraden respecting each particular case, the Commission found that in the case marked No. 2 on the list, the complainant Andries was charged with a sum of nine Rixdollars for medicines, besides a sum of twenty Rixdollars for victuals during his illness, which sum he was condemned to pay or serve for the same; that further in the case No. 5, where the Hottentot Mietje complained that her husband Jonker Trompeter had been shot by Willem Meintjes van den Berg at the instigation of Hermanus Potgieter, it did not appear what investigation had been made in a complaint of such importance; and that further in the case No. 14 Jan Cornelis had been permitted to deduct from the wages of the Bastard Pieter Jacobs, the complainant, ten Rixdollars for curing him of the venereal disease. The Commission therefore required from the Secretary a complete extract from the records held before the Landdrost and Heemraden in the abovementioned cases, as also in the case No. 17, which has a reference to No. 5, in order,

after examination of the same, to take such resolutions thereon as might be found advisable.

While elucidation being asked for with respect to the case No. 12, which was stated to have been held in advice to the 11th of April ensuing, without any settlement of the business having appeared, said Secretary Muller declared that the parties had been duly written to, but that they did not appear, with which declaration the Commission was satisfied.

Monday, the 19th October 1812.

Mr. Thomas Muller, Secretary of this District, agreeably to the requisition made on the 17th last, exhibited the following four extracts from the records held by commissioned heemraden regarding the list of Hottentots' complaints and the proceedings carried on in consequence, conformably to the Proclamation of the 1st November 1809. After examination of which extracts the Commission resolved

(1) Respecting the cases Nos. 2 and 14, in which the Hottentot Andries and the Bastard Pieter Jacobs were each of them charged by their masters with accounts for victuals and medicines during their illness, to mention the same in the report to be made to His Excellency the Governor and Commander in Chief, as it has not clearly appeared to the Commission whether it be the intention of the Proclamation of the 1st November 1809 to allow medicines to be deducted from the wages agreed for, while with respect to the charge made and allowed in account for victuals, the Hottentot Andries not having complained of the condemnation to the Commission, they conceived that in their judicial capacity they should not enter into the merits of the decision; but at the same time that they should communicate their opinions on this point to the Landdrost.

(2) Respecting the cases Nos. 5 and 17, and which as appears from the records of the Landdrost and Heemraden, are considered as requiring further investigation, resolved to refer the complaint of the Hottentot Mietje "that Hermanus Potgieter had wilfully caused her husband Jonker Trompetter to be shot by Willem Meintjes van den Berg" to the Landdrost of this District, J. H. Fischer, Esqre., in order in this very serious business forthwith to obtain the necessary inquests, agreeably to the style of proceeding in criminal cases, and thereupon to transmit the same to his

official agent in Cape Town, that he may institute such proceedings or make such proposition to the Worshipful the Court of Justice as the nature of the case may be found to require.

An extract hereof to be granted to the said Landdrost for his information and guidance.

UITENHAGE, *Wednesday, 25th November 1812.*

The Commission having this day proceeded to comply with Articles 63, 64, 65, and 66 of the Proclamation of the 16th May 1811, the Secretary, Mr. Knobel, with respect to Article 63 exhibited in the name of the Landdrost and Heemraden the following list of the disputes between Hottentots and their masters brought before that Board since the 12th December 1811 to this date, agreeably to the Proclamation of the 1st November 1809.

1. Carel, in the service of Gerhardus Stephanus Viljoen. The former condemned to receive domestic correction and to serve out his time without any wages.

2. Cobus Jager (soldier), formerly in the service of Hendrik de Bruin. The latter condemned to the restitution of an ox to the former.

3. Jan Valtyn, formerly in the service of Hendrik de Bruin. The latter condemned to the restitution of an ox to the former.

4. Hendrik Zwart, formerly in the service of Johan Adam Reneken. The latter released from all claims of the Hottentot.

5. Witbooy Heintema, in the service of Louis Trigard. The latter condemned in a penalty of 25 Rixdollars, and the Hottentot discharged from his service.

Which list being compared with the record kept by the Landdrost and Heemraden respecting each particular case, the Commission found that justice had been done in all the said cases, agreeably to the abovementioned Proclamation.

GEORGE, *Friday, the 1st January 1813.*

The Commission having this day proceeded to comply with Articles 63, 64, 65, and 66, of the Proclamation of the 16th May 1811, the Secretary, J. F. Bam, with respect to Article 63 exhibited in the name of the Landdrost and Heemraden the following list of the disputes between Hottentots and their

masters brought before that Board since the 23rd November 1811 to the 31st December 1812, agreeably to the Proclamation of the 1st of November 1809.

1. Tollie, in the service of Jacobus van Beulingen, complained of. Tollie condemned for false accusation to be corrected by the Caffers of Justice and to pay the costs.

2. Andries, in the service of Pieter Taute. Andries condemned for wilfully leaving his service to be flogged by the Caffers of Justice and to serve his time out.

3. Catryn, in the service of Pieter Taute, complained of for ill treatment of the former. The latter condemned in a penalty of Ten Rixdollars cum expensis, and the Hottentot Catryn directed to serve her time out with La Harpe, agreeably to contract.

4. Willem, complained of by Louis Hendrik Jordan, for impudent expressions. Condemned to be flogged and to pay the costs.

5. Platje Kleinveld contra Adam Barnard, in a case of claim, and in which the said Hottentot Platje Kleinveld was enjoined further to prove his pretension.

6. Sara and Victoria, in the service of Frans Lodewyk Marx, complained of for ill treatment, and condemned in a penalty of Forty Rixdollars cum expensis.

7. Caatje, in the service of Andries Stephanus Strydom. Said Strydom, together with Johannes Strydom and Michiel Olivier, all complained of for ill usage of said Caatje, and condemned, the *first* to pay said Caatje for smart money Three Rixdollars and the *two latter* each Two Rixdollars, and further the former in a penalty of Twelve and the two latter in a penalty of Ten Rixdollars each cum expensis.

8. Christina and Hester, in the service of Stephanus Schoeman, complained of for ill treatment. Said Schoeman condemned in a penalty of Forty Rixdollars cum expensis, and both the Hottentots discharged from their service.

Which list being compared with the record kept by the Landdrost and Heemraden respecting each particular case, the Commission found that justice had been done in all the said cases, agreeably to the abovementioned Proclamation.

[Enclosure 5.]

*Extracts from the Criminal Records of the Commission for administering Justice in the far distant Districts.*GRAAFF REINET, *Saturday, 17th October 1812.*

Further, agreeably to the 64th Article of the said Proclamation of the 16th May 1811, the Annotation Book kept by the under sheriff of Graaff Reinet of the Slaves and Hottentots confined in and released from the prison here since the 1st of January 1812, as well as of the domestic corrections whether inflicted or not, the same was found in due order; the number of such during said period being as follows:—

Hottentots released with domestic correction 10, slaves ditto 24. Hottentots released without any punishment 53, slaves ditto 34.

UITENHAGE, *Wednesday, 25th November 1812.*

Further, agreeably to the 64th Article of the said Proclamation of the 16th May 1811, the Annotation Book kept by the under sheriff of Uitenhage of the Slaves and Hottentots confined in and released from the prison here since the 12th of December 1811, as well as of the domestic corrections, whether inflicted or not; the same was found in due order, the number of each during said period being as follows:—

Hottentots released with domestic correction 14, slaves ditto 1. Hottentots released without any correction 32, slaves ditto 3.

GEORGE, *Friday, 1st January 1813.*

Further, agreeably to the 64th Article of the Proclamation of the 16th May 1811, the Annotation Book kept by the under sheriff of George of the Slaves and Hottentots confined in and released from the prison here since the 1st January to the 31st December 1812, as well as of the domestic correction whether inflicted or not, the same was found in due order; the number of such during said period being as follows:—

Hottentots released with domestic correction 3, slaves ditto 8. Hottentots released without any punishment 24, slaves ditto 11.

[Enclosure 6.]

*Extracts from the Criminal Records of the Commission for
administering Justice in the far distant Districts.*

GRAAFF REINET, *Saturday, 17th October 1812.*

Further, in compliance with the 66th Article of the Proclamation of the 16th May 1811, the acts of inquest which had been taken in the different parts of this Drostdy since the 1st January were exhibited to the Commission, and which were found to consist of the following, viz. :—

1. The Hottentot Gerrit, nicknamed Fourteen Buckets, found dead in the village. By Landdrost and commissioned Heemraden.

2. Hottentot Anna, in the service of Jacobus Erasmus, Senior, found dead on the 14th March last, the head bruised. By A. J. Smit, provisional field cornet at the Buffels Hoek, and witnesses.

3. Roosje, slave of G. F. Enslin, hanged herself in the garden of the new Pastory. By Landdrost and commissioned Heemraden.

4. Bastard Hottentot christened Helena Goeyemans died suddenly at this village.

5. Bastard Hottentot Jan, in the service of C. de Grotz, shot himself in the fields. By commissioned Heemraden.

6. Male slave Adonis, belonging to Thomas Arnoldus du Toit in the Camdeboo, died eight days after he had been flogged. By commissioned Heemraden.

Information given of those circumstances on the 4th August 1812 by the Acting Landdrost Paul Maree to the Worshipful the Fiscal. Vide letter of the said date.

All of which acts of inquest were found to be duly entered in a book and signed agreeably to the order prescribed by the preceding Commission.

UITENHAGE, *Wednesday, 25th November 1812.*

Further, in compliance with the 66th Article of the Proclamation of the 16th May 1811, the acts of inquest which had been taken in the different parts of this Drostdy since the 12th December 1811 were exhibited to the Commission, and which were found to consist of the following, viz. :—

1. The Hottentots Anthony and Tas, wounded near the prison. By the Acting Landdrost C. Kok, Surgeon Milton, and the Secretary.

2. Hottentot Hans, in the service of Jacobus Petrus Carelse, murdered by the Caffers. By Willem Grobler, Field Cornet, Johannes Jacobus Brits, and Johannes D. Claassen.

3. Hottentot Annetje, in the service of F. A. Gousch. Died of age and a complaint in the breast. By the Acting Landdrost De Kok and the Secretary.

4. A Hottentot child at Gerrit Scheepers. Died of complaint in the breast. By the Acting Landdrost De Kok and the Secretary.

5. Hottentot Ourson, at Simon Hendrik Barkhuizen's. Bit by a snake. By the Acting Landdrost De Kok and the Secretary.

6. Hottentot Gerrit, at the widow Jacobus Smit's. Shot. Information obtained hereon and forwarded to His Majesty's Fiscal. By J. H. Combrink and G. van Imwegen, Heemraden.

7. A Hottentot at David Jacobus Pieterse's. Sickness. By Johannes Jurie van Staden, Provisional Field Cornet, with R. Botha and Lodewyk Strydom.

8. Female Slave of Isaac A. van Niekerk. Unknown. Brought before the Commission. By S. Ferreira, Field Cornet, and C. Meyer.

9. Hottentot Filip, Bethelsdorp. By Landdrost J. G. Cuyler and the Secretary Knobel.

10. Hottentot Andries, remained behind from the Commando. Sickness. By Landdrost Cuyler and the Heemraden C. Kok and J. H. Combrink with the Secretary.

11. Caffer girl named Catryn, brought from Cafferland to prison. Old age. By C. Kok, Acting Landdrost, and the Heemraad J. H. Combrink.

12. A Hottentot at Barend de Klerk's. On the consequence of an accidental shot from a Dragoon and the venereal disease. Report by Captain Wallace and the Heemraad B. J. de Klerk.

13. Hottentot child named July. Sickness. By Landdrost Cuyler with the Heemraden Kok and Combrink and the Secretary.

14. A Slave Boy of B. Jacobus de Klerk. Unknown. By W. Nel, Field Commandant, Johannes A. Greyling, and Jacobus M. Kloppers.

15. A Hottentot at W. Strydom's. Unknown. By M. L. Strydom, E. Hansonius, and J. Scheepers.

16. Hottentot Danster Flamink, Bethelsdorp. Drowned in

passing the Zwartkops River. By Landdrost Cuyler and the Heemraad Viljoen together with Surgeon Milton and the Secretary.

17. Slave January, (belonging to H. J. Potgieter. Unknown. By L. J. Nel, Field Cornet, A. Botha, and L. J. Erasmus.

18. A little Hottentot at Willem van Aard's. Drowned while swimming, and missing. Report from the Field Cornet Nel, containing the evidence of sundry Hottentots.

Respecting which Acts of Inquest the Commission recommended to the Landdrost and Secretary to insert all the same in a book to be established for the purpose, and that inquests taken by commissioned Heemraden should be signed by them and the Secretary, with insertion of the surgical attest in case any inspection may have been made by a surgeon respecting the nature of the wound or state of the corpse.

GEORGE, *Friday, 1st January 1813.*

Further, in compliance with the 66th Article of the Proclamation of the 16th of May 1811, the acts of inquest which had been taken in the different parts of this drostdy since the 23rd November 1811 to the 31st December 1812 were exhibited to the Commission, and which were found to consist of the following, viz. :—

1. Onverwacht from Mozambique, slave of Matthys Zondag. By commissioned Heemraden.

2. Inspection taken of a burglary committed on a packhouse built on poles, belonging to H. Abue, situated in the Mossel Bay, the walls of which consisted in a sort of flags or sword grass bound together.

Which acts were found duly registered, agreeably to the order prescribed by the Commission in the year 1811 then holding the session at this Drostdy.

[Enclosure 7.]

Extracts from the Civil Records of the Commission for administering Justice in the far distant Districts.

GRAAFF REINET, *Saturday, 17th October 1812.*

The Commission not being able this day to proceed in the hearing and deciding of judicial cases, in consequence of the parties who were summoned not being present, they proceeded agreeably

to the 66th Article of the Proclamation of the 16th May 1811 to examine the Notarial Acts executed in the Secretary's Office here since the 1st of January last, all of which they found duly stamped and signed by the parties, as well as by the Secretary and witnesses, however with this reserve that

No. 32, being the will of Isaac Jacobus Joubert, is deficient of the stamp of Fifteen Rixdollars,

No. 53, being the will of François Petrus Greef, likewise deficient of the stamp of Fifteen Rixdollars,

No. 54, an Act of Child's inheritance of the widow of Liebenberg, deficient of the stamp of Eight Rixdollars,

No. 56, a will of J. B. van Blerk, deficient of the stamp of Fifteen Rixdollars,

No. 60, an inventory and valuation of the estate of A. C. Greyling, but which is not yet completed, deficient of the requisite stamp, and

No. 61, an act of child's inheritance of the said A. C. Greyling, which is also incomplete, likewise deficient of the necessary stamp.

In which respect Thomas Muller, the Secretary, having informed the Commission that his not being provided with stamps was the cause of the abovementioned defect, but that he daily expected a large quantity from the Cape, the Commission declared to acquiesce therein, and directed the Secretary to envelope the said acts with the requisite stamps as soon as he should receive the same, and also to make the necessary mention thereof in the usual Certificate.

The different Notarial Acts executed since the 1st January last consist in the following: 17 wills, 10 contracts, 3 general powers of attorney, 20 special powers of attorney, 6 transfers, 7 bonds, 3 bail bonds, 3 inventories, 4 acts of children's inheritance, and 2 depositions, making together 75 acts.

UITENHAGE, *Wednesday, 25th November 1812.*

The Commission, agreeably to the 66th Article of the Proclamation of the 16th May 1811, having this day proceeded to the examination of the Notarial Acts executed since the 12th December 1811 to this date, they found all the same duly signed by the parties and by the Secretary and witnesses, and also stamped agreeably to order; the different acts executed since the said 12th December 1811 being as follows: 2 wills, 4 general powers

of attorney, 2 special powers of attorney, 2 contracts, 1 bail bond, and 2 depositions, making together 13 acts.

GEORGE, *Friday, 1st January 1813.*

The Commission, agreeably to the 66th Article of the Proclamation of the 16th May 1811, having this day proceeded to the examination of the Notarial Acts executed since the 23rd November 1811 to ultimo December 1812, they found all the same duly signed by the parties and by the Secretary and witnesses, and also stamped agreeably to order; the different acts executed since the said 23rd of November 1811 being as follows: 16 wills, 8 bonds, 4 general powers of attorney, 10 special powers of attorney, 6 transfers of slaves, 8 contracts, 3 bail bonds, 2 insinuations, 3 depositions, 1 act of cession, 1 act of assumption, 1 act of appointment of executors, 1 receipt, 1 inventory, and 1 act of protest, making together 66 acts.

[Enclosure 8.]

Extract from the Civil Records of the Commission for administering Justice in the far distant Districts.

UITENHAGE, *Friday, 20th November 1812.*

The Landdrost J. G. Cuyler thereupon requested that besides the civil complaints or actions of the Hottentots in the said list of the District's Clerk, the Commission might be pleased to enter upon a summary and public investigation of such complaints of Hottentots as are specified in the statements of the Missionaries Van der Kemp and Read, and placed on the list No. 3, namely for as far as his the landdrost's name is mentioned therein, in order that the truth or groundlessness of the complaints of neglect of his duty so freely alleged against him might appear; on which point being ordered to account to Government, he wished to support his defence by some further proof than his own assertion, which he humbly conceived he could not effect in a more impartial manner than by an investigation before the Commission.

Upon which, having deliberated, and taking into consideration that equity requires that the means which one considers best adapted for his defence should be made easy, it was resolved to agree to the said request, as is hereby granted accordingly.

[Enclosure 9.]

Extracts from the Criminal Records of the Commission for administering Justice in the far distant Districts.

UITENHAGE, Monday, 16th November 1812.

After the pronouncing of this decree, the landdrost, having obtained leave so to do, submitted to the consideration of the Commission that as it now appeared in this case, where the report of an inquest having been taken had been duly made, a number of witnesses were obliged to come hither to be examined a second time respecting the statement of the Missionaries, which witnesses were therefore exposed to heavy expense, the same as among others the old Field Cornets P. Loots and Marthinus Gouch, who both live at a great distance off, the former residing full thirty hours on horseback hence; whether it would not therefore be equitable to prescribe that Mr. James Read should bear the expenses of such cases in the statements of him and the late J. Th. van der Kemp as appeared to have been placed in an entirely wrong point of view.

On which proposition the Commission resolved to declare after further deliberation.

Tuesday, 17th November 1812.

The Commission having thereupon proceeded to deliberate on the motion made yesterday respecting the costs of witnesses in cases which were found to have been placed in an entirely wrong light in the statements of the missionaries.

It was resolved, for so far as the said proposition is of a general nature, to make mention of the same in the report to be made to His Excellency the Governor and Commander in Chief, with reserve, however, to all those who may conceive to have any right to demand costs, to take such steps as they may deem advisable for that purpose, agreeably to style and practice.

An extract hereof to be granted to the said Landdrost for his information and guidance.

True Extracts, as translated by me.

(Signed) HENRY MURPHY, Sworn Translator.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *Jany.* 24th 1818.

MY LORD,—I have the honor to submit to your Lordship the Copy of a Proclamation I issued upon the subject of Portuguese slave ships putting into these ports, in consequence of your Lordship's Instructions of the 13th July 1812.

I am sorry, however, to inform your Lordship that the Slave Trade seems to be carried on by the Portuguese nation with the greatest activity, as not less than five vessels have touched here lately, and most of them under the greatest distress.

Though every precaution has of course been taken, yet they arrived in such a state it was not possible to avoid affording them some succour, as they would have perished from want of water and essential repair to their vessels.

One lately put into Simon's Town without a rudder or masts, and was driven on shore the following night. Fortunately no disorder prevailed of a contagious nature, though thirty slaves had died on the passage. The case is now before the Vice Admiralty Court from a violation of the late treaty.

It is most painful to state how many slaves always perish on the passage, and the vessel that caused so much misery here, the *Restaurador*, and was condemned in the Vice Admiralty Court, lost above 50 persons before her arrival in the short passage from Mozambique.

Everything is so bad about these vessels, and they are so small for the number of persons on board, that it is not to be expected they can reach Rio Janeiro without stopping here for water and other supplies.

It is much to be hoped that the measures already adopted by your Lordship at Rio Janeiro may put an end to the embarrassment we feel. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 25 January 1813.

MY LORD,—I have to submit to your Lordship that I felt it to be my duty to repeal a Resolution of the Council of Batavia, passed the 10th April 1770, which, by prohibiting the transfer or disposal of slaves who had been converted to Christianity, completely stopped the progress of the Christian religion among that class of persons, for it was not to be supposed that the Dutch Inhabitants or others would encourage any exertion on this subject, whereby they were to suffer in their property. Until this repeal took place, every opposition would certainly be given to the conversion of any slave, or even his appearance at any church.

The measure was first suggested to me by the Revd. Mr. Vos, minister of the Swarteberg, and one of the most pious and enlightened of the Dutch clergymen, and it received the sanction and encouragement of the late Chief Justice Mr. Ryneveld, and the present, Mr. Truter, and also of Mr. Denyssen, His Majesty's Fiscal, as will appear by the annexed correspondence.

I really anticipate the best effects from this repeal, and as it will not interfere with the labor and industry of the Community, I much prefer this attempt in the same cause to the works of the Missionary Establishments, which, in their nature, too much tend to inactivity and idleness.

I take the liberty to add the Copy of a Circular Letter I addressed to the Body of the Clergy upon this subject, and in it your Lordship will observe I remotely allude to the unequal distribution of Justice and Law in this Colony, especially in the Criminal Proceedings, which has prevailed for such a course of time that even the best Magistrates are not aware of its perversion from the first principles of legislation; and nothing but a total revision of all the laws and practices, if not an entire change, can produce anything like a remedy.

In saying so much, I should feel I was most unjust to the Chief Justice, Mr. Truter, if I was not forward to declare that in every situation I have received the greatest support from him, and that he is, under the unfavorable circumstances I have alluded to, a most

zealous, upright, and enlightened Magistrate, and every way worthy of unlimited confidence.

I shall very soon have occasion to bring all this subject under your Lordship's view. I have, &c.

(Signed) J. F. CRADOCK.

[Enclosure A in the above.]

See Proclamation of 9th October 1812.

[Enclosure B in the above.]

Extracts from the Statutes of India.

Chapter respecting Slaves,

Art. 8th.

Christians shall not be allowed to alienate their Slaves, whether such Slaves be Christians or not, to Moors or Heathens, on pain of the Vender forfeiting the Slaves themselves, and the purchaser the amount of the purchase monies agreed upon ; and with regard to the Children of Christians and free Persons altho' not Christians by their own female Slaves, the same shall on no account be sold at all, whether an Estate be solvent or insolvent, the Executors and Administrators of all Estates belonging to Christians without exception being qualified to deliver such Children to such Persons as may apply for them and are willing to bring them up in the Doctrine of the Reformed Church, or in the event of no application being made for them, and such Children are really of European Blood, but no others, to take them to the Deacons of the Reformed Church, in order that they may be brought up and instructed in the Orphan House in manner aforesaid, even the mothers of such free children, not Christians, may not be sold, if the Estate be solvent.

Art. 9th.

The Christians are held bound to instruct their Slaves, should they be so inclined or be capable of being persuaded without absolute compulsion, in the Christian Religion, and have them baptized, on pain of arbitrary correction, and such as may have been confirmed in the Christian Religion shall never be sold, but their Masters be under the obligation of emancipating them in the

event of their departure from this country or at their death, or to give them away or bequeath them to others under the same obligation, or upon their departure from India to transfer them to such as may be willing to take them on the same conditions at such prices as the Messengers of the Board of Schepenen or Orphan Masters or the Auctioneer of the Vendu Masters of this Town may deem reasonable, or on the other hand to allow all such Slaves to purchase their freedom themselves at prime cost or by taxation if born in the family or presents from others, it being hereby ordered that in all the above cases Persons emancipating their Slaves shall be exonerated from the payment of Twenty-five Rixdollars usually paid upon the emancipation of a Slave.

Art. 10th.

Slaves belonging to Moors or Heathens shall in the event of their conversion to Christianity be ceded by their Masters to Christians at reasonable prices, they shall therefore not prevent their Slaves from receiving Instruction in the Christian Religion, much less shall they endeavour to persuade or compel them to forsake that Religion, on pain of such their Slaves being confiscated.

Art. 11th.

No Christians shall suffer Slaves born in their families to be circumcised by Mahometan Priests, on pain of all such Slaves being confiscated in favor of the Company, exclusive of a fine of 500 Rix dols. to be forfeited to the Officer who prosecutes, to do which the Commissioner for the Affairs of the Interior is also authorized.

[Enclosure C in the above.]

Extract from a Letter from the Revd. Mr. Vos.

March 19, 1812.

As some of my Parishioners who propose attending divine worship on the day of rest arrive here on the Saturday afternoon, I generally hold church for them on the evening of that day. The following day I am occupied twice with the Christians and in the evening with the Heathens, which latter also attend the Catechism on the Wednesday evenings.

Sir! exclusive of the false prejudices of the so-called Christians

(which in many are already overcome) there is another great obstacle in this Country to the progress of Christianity, and oh! how happy should I be could I but see this obstacle removed by our highly respected Government before my death. It is, namely, that a Slave who is baptized may not be sold. This circumstance is the occasion that the Proprietors of Slaves, who may perhaps possess truly Christian hearts and entertain a desire of becoming incorporated in the Church of our Lord Jesus Christ, object to their being baptized. Much were it to be wished that the name of *Slavery* were not known to us! But as this is the unfortunate lot of so many of our fellow creatures in this country without the prospect of any speedy alteration therein taking place, why must these our poor fellow creatures be excluded in their humble station from the enjoyment of those religious privileges which our now glorified Mediator, by his long suffering and obedience, obtained and procured for all Descriptions of Men? I lay this at your Excellency's feet, and fervently pray that, if possible, a provision in this regard may be made.

[Enclosures D, E, F, and G have already been printed.]

[Original.]

Letter from SIR JOHN CRADOCK *to* EARL BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *January 25th* 1813.

MY LORD,—I have the honor to acknowledge a secret dispatch of the 4th August 1812 from Mr. Peel upon the subject of Mr. Turr, lately appointed rector of the Latin school in this Colony.

I had before replied to your Lordship's letter of the 3rd July to announce his appointment, and I now take the liberty to submit the copy of a letter I wrote to him, to remedy as far as practicable the unfavorable circumstance of his being a foreigner.

The present view is certainly one of great embarrassment and apprehension, and adds much to former objections, but every precaution shall be taken that the secrecy indispensable upon the case will admit of.

I have been present at a public display of Mr. Turr's powers and qualifications, as is usual in Holland upon entrance into the

situation he holds, and I believe he possesses talents and requirements to a high degree ; but all cannot conquer the strong objections that attach to him, and his former republican character is entirely known here and matter of conversation.

Some trifling circumstances that betray a proud and intractable spirit have already appeared between him and his superiors of the School Commission, and I should not be surprised if he were to resign his present situation and attempt to pursue the law, for which, as he is also a Doctor of Laws, he esteems himself eminently qualified. But I shall hesitate much in granting my compliance.

I need not for a moment take up your Lordship's time in dwelling upon the very critical importance of Mr. Turr's appointment in this Colony. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

General Monthly Return of Officers belonging to the several Corps serving in the Cape of Good Hope, 25th of January 1813.

Regiments.	Lieut. Colonels.	Majors.	Captains.	Lieutenants.	Cornets or Ensigns.	Paymasters.	Adjutants.	Quartr Masters.	Surgeons.	Assistant Surgeons.	Troop Quarter Masters.
21st Light Dragoons	1	1	6	11	2	1	1	1	1	1	4
Royal Artillery . . . . .	..	1	2	5	..	..	..	..	..	1	
Gunner Drivers . . . . .	..	..	..	1							
Royal Engineers . . . . .	..	..	1	1							
60th Foot . . . . .	..	2	7	27	4	..	1	..	1	2	
83rd Foot	1	1	9	13	3	1	1	1	1	1	
93rd Foot	1	2	6	16	5	1	1	1	1	1	
Cape Regiment		2	9	9	9	..	1	..	1	1	
Total	3	9	40	83	23	3	5	3	5	7	4

(Signed) J. F. CRADOCK, Lieut. Gen.

[Original.]

General Monthly Return of the Sergeants, Trumpeters, Drummers,
and Rank and File of the several Corps serving in the Cape of
Good Hope, 25th January 1813.

Corps.	Head Quarters.	Effective Strength, exclusive of those sent or left at Home.					
		Sergeants.	Trumpeters or Drummers.	Rank and File.			
				Present and fit for Duty.	Sick.	On Command.	Total.
21st Light Dragoons . .	Cape Town	51	10	660	23	57	740
Royal Artillery . . .	Do.	6	6	259	16	4	279
Gunner Drivers . . .	Do.	4	1	88	5	..	93
Royal Sappers and Miners	Do.	..	..	15	..	..	15
60th Foot	Simon's Town	55	21	552	17	380	949
83rd Foot	Cape Town	55	22	950	30	2	982
93rd Foot	Do.	52	22	970	22	4	996
Cape Regiment . . .	Graham's Town	29	19	..	..	514	514
Total		252	101	3,494	113	961	4,568

(Signed) J. F. CRADOCK, Lieut. Gen.

[Original.]

Letter from ALEXANDER MACLEAN, ESQRE., to
HENRY GOULBURN, ESQRE.

TRANSPORT OFFICE, 26th January 1813.

SIR,—I have received and laid before the Commissioners for the
Transport Service your letter dated the 6th of November last,
transmitting by the desire of the Earl Bathurst copy of a letter from
Sir J. Cradock containing a Memorial of Mr. Tennant, praying the
reimbursement of Moneys expended by him on obtaining the

liberation of the crews of several British Merchant vessels captured by the enemy and carried into the Cape of Good Hope in the year 1805; referring to the former correspondence upon the subject, and signifying his Lordship's directions that this Board should report further thereupon and state their opinion as to the amount which under the circumstances of the case it may be advisable to allow as a remuneration to Mr. Tennant.

In return, I have the Board's directions to acquaint you, for his Lordship's information, that Messrs. Maude and Son, as agents to Mr. Tennant transmitted to this Board on the 4th of August last Mr. Tennant's remarks on their report of the 10th December 1807 to Lord Castlereagh, and those Gentlemen were then informed that the Board had maturely considered Mr. Tennant's case with those remarks, but did not see any reason whatever to alter their opinion as stated in their above mentioned Report to Lord Castlereagh, nor did they consider the Act of Parliament quoted by Mr. Tennant as applying to his case in any respect whatever, as, at the farthest, it only authorizes Merchants in foreign countries to engage for the passage of distressed seamen in *vessels bound to Great Britain*. They were also informed that no allowance of any kind could be made to Mr. Tennant for expenses said to have been incurred by him for the maintenance of British prisoners at the Cape; but that if he would make a moderate charge for the conveyance of the prisoners to St. Helena, the Board would take it into consideration, the charge already made by him being totally inadmissible.

I am further directed to acquaint you, in obedience to his Lordship's desire, that it is the opinion of this Board, that under all the circumstances of the case, and in consideration of the Representations made by Lord Caledon, Sir J. Cradock, and Commissioner Shield, respecting Mr. Tennant's good character and the loss sustained by him by his interference in the business for which this claim is brought forward, it may be proper to allow to him the sum of Twenty Pounds for each of the British prisoners conveyed by him from the Cape to St. Helena, making in all a sum of £2,400 instead of his claim of £5,668 12s. 4d.; but for the reasons already fully stated in the Board's letter to Lord Castlereagh of the 10th December 1807, above referred to, they cannot recommend any greater allowance to be made. I have &c.

(Signed) ALEX. MACLEAN, Secretary.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 30th January 1813.

SIR,—Your dispatch of the 21st of May last, with the Memorial therein referred to, has been submitted by my direction for the consideration of the Commissioners for conducting the Transport Service; and I have now to transmit to you the opinion of that Board, which authorizes you to pay to Mr. Tennant the sum of £2,400 in full of his demands against the Government of this Country for the care and conveyance of British Prisoners of War to St. Helena. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 30th January 1813.

SIR,—The Agent for the Cape of Good Hope having represented to me that you were desirous that the sum of £5000 should be imprested to him on account of that Government to enable him to purchase various Articles for the supply of the Settlement, at the same time proposing the mode you had suggested for its repayment; I am to acquaint you that the Lords Commissioners of the Treasury have been authorized to issue the sum of £5000 on account to Mr. Courtenay.

The mode you have suggested for the repayment of the particular sum in question appeared so desirable that the expediency of adopting it on all future occasions when the Civil Government of the Cape might require Funds in this Country for providing Articles for Colonial purposes has been submitted to the consideration of the Board of Treasury; and I have now to transmit to you the enclosed Copy of a Letter from Mr. Harrison, Secretary to that Board, signifying their Lordships' approbation thereof, and inclosing an Account of the sums which have been advanced to the Agents of the Cape of Good Hope out of the Army Extraordinaries for the Service of that Colony. I am therefore to

desire that your conduct in this respect may be governed accordingly, unless there shall appear to you any objections to its application generally, of which you will not fail to apprise me.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 30th January 1813.

SIR,—Your Dispatch of the 4th of August last, upon the subject of the Wine Licences in the Settlement under your Government, has been, by my direction, referred to the consideration of the Lords of the Committee of Council for Trade; and I herewith transmit the Copy of a Letter from Mr. Lack, dated the 18th Ultimo, wherein their Lordships' sentiments on this point are fully expressed, and by which you will of course be guided in adopting any Regulation on the subject. I have &c.

(Signed) BATHURST.

[Original.]

Letter from REAR ADMIRAL TYLER to J. W. CROKER, ESQRE.

LION, TABLE BAY, 7th February 1813.

SIR,—I request you to inform the Lords Commissioners of the Admiralty that I arrived here in the *Semiramis* on the 2nd Ultimo, and that I have this day taken upon myself the Command of His Majesty's Ships and Vessels on the Cape of Good Hope Station.

I have &c.

(Signed) CHAS. TYLER, Rear Admiral.

[Original.]

Letter from COLONEL TORRENS to HENRY GOULBURN, ESQRE.

HORSE GUARDS, 15th February 1813.

SIR,—I am directed by the Commander in Chief to refer to you, for the favorable consideration of Earl Bathurst, the enclosed extract of a dispatch from Lieut. General Sir John Cradock, Commander of the Forces at the Cape of Good Hope.

In such a climate as the Cape of Good Hope His Royal Highness is of opinion that it would be attended with very advantageous effects to the Public generally, and to the Colony in particular, to form a Garrison Company of the invalid soldiers belonging to the Regiments stationed there, and his Lordship may probably attach some consequence to the consideration that exclusive of the military benefits arising from the formation of a stationary corps, considerable advantages may attend the measure, as an introduction to British settlers.

The Commander in Chief would propose that the Company should be established to the amount of 150 rank and file, commanded by a Captain, 2 Lieutenants, and an Ensign. I have &c.

(Signed) H. TORRENS.

[Original.]

Letter from LIEUTENANT GOVERNOR MEADE to LORD BATHURST.

LOWER BROOK STREET, March 4, 1813.

MY LORD,—I beg leave to state that upon my appointment to the Lt. Government of the Cape of Good Hope, I was obliged to return to this country from Madeira where I had been in command, from want of means to proceed onwards, and that I have been since last August awaiting with anxiety an opportunity to convey me to my destination, without any having occurred, till I just learnt that the Agent for Ceylon had by Direction of Your Lordship been commissioned to Charter a Vessel to carry Colonial Stores to the Cape and Ceylon. I therefore take the Liberty of soliciting that I may be favored with the accommodation of the whole of the

Cabin of such Vessel, to enable me to proceed with my numerous Family to my Destination without further Delay. I have &c.

(Signed) ROBT. MEADE.

[Copy.]

*Letter from SIR JOHN CRADOCK to CHARLES BLAIR, ESQRE.,
Collector of Customs.*

GOVERNMENT HOUSE, 11th March 1813.

SIR,—Extract of a despatch from Viscount Strangford to Viscount Castlereagh, dated Rio Janeiro 2nd May 1812.

“I have further to state, on the information of Mr. Charles Russell, chief clerk in the British consular office at this place, that four more Portuguese ships under nearly the same circumstances as those of the *Restaurador* were lately detained at the Cape, and without any trial were let at liberty on the payment by the masters of 2,000 dollars each. This matter appears to be highly worthy of investigation.”

The foregoing Extract from His Majesty's Envoy Extraordinary, Lord Strangford, to the Secretary of State is of so serious an import, and, if uncontradicted in the most solemn manner, will reflect for ever such discredit upon this Government, from the highest to the lowest person, that I anxiously request your co-operation to afford me the best materials to repel this charge.

It seems therefore necessary that you should furnish me with the names and description of all ships, for at least two years past, that can possibly be placed in a connection with the accusation in question, and that every step be taken to bring to light any circumstance of the disgraceful nature alluded to.

For the present moment, till I have had the honor to discuss the subject with you, I will request *secrecy*, and only ask, upon general grounds, for the names of such Portuguese ships as may have arrived here with slaves, and were allowed to depart.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas a practice has hitherto existed, of confining parties accused of various crimes for indefinite times, until their guilt or innocence could be decided upon; and whereas parties giving evidence, or tendering evidence against such persons, occupied in other various occupations, have neglected to attend to give the evidence or testimony, and thus continued the confinement of the party accused beyond what the purposes of justice required; and whereas, when poor and suspected persons, Hottentots, and slaves, and others have given or tendered testimony or information, they have been detained in prison to substantiate the same before the proper tribunals, or commissions from such tribunals, to their great injury, and, as it is to be apprehended, to the injury of justice, by deterring them from giving information when it is to be productive of their own imprisonment: Now be it enacted and declared, that in all and every the country drostdies (the Cape District and that of Stellenbosch excepted) that whenever, and as often as a person accuses another or others, or gives information against him or them, upon which he or they are arrested or confined, that then, and in such case, the person or persons giving such information or testimony, or causing such arrest, shall give security at the discretion of the magistrate, field cornet, or other person committing such person or persons to jail, that he will come forward, and bring forward his evidence against the party accused at the next Assizes, or at times to be appointed for previous examination by proper authorities, of which he shall have proper notice; and upon failure of the party or parties so doing, suit shall be immediately entered upon such bail, bond, or security, and the amount, when recovered, shall be divided into two parts, one half to the account of the District Treasury, the other at the discretion of the Court of Circuit, to make compensation to the party or parties suffering by such testimony; and nothing herein contained is to prevent the Commission or other competent authority from suspending such suit upon bail, until His Excellency's pleasure is known, if a good and legal *bona fide* reason is assigned, and proved by oath to their satisfaction. And it is hereby further enacted and proclaimed, that no prisoner or

prisoners shall be detained in jail after such Commission of Circuit shall expire, if the party or parties accusing or giving testimony does not, or do not upon oath assign good and sufficient reasons, to be approved of by the Court of Commission or other authority, to induce them to put off the trial; and in such case, the Court of Commission or other competent authority shall bind the prosecutors to give security to prosecute at a fixed and given time, as the Court or other competent authority under the circumstances of the case directs.

And be it further enacted and proclaimed, that when poor Hottentots, slaves, or others, incompetent to give security, are confined to give evidence, and secure the punishment of crimes, and to guard them against being tampered with by the parties they accuse or their friends; that in all and every such case, where the party confined to give his testimony appears to the Court to have given a just and fair testimony, and to have acted honestly and faithfully, that then, and in such case, upon a certificate from the Court of Commission, or other competent authority, to that effect, that then, and in such case, the party so confined shall receive 2 skillings each day, over and above his provisions and necessaries, as a compensation for his loss of time, to be paid out of the District Treasury.

And if at the time of the sitting of the Commission of Circuit, the trial is put off or delayed, that then such poor person, Hottentot, slave, or other, shall be dismissed from jail, on his giving his own security, if none other can be obtained, that he shall attend to prosecute at the time appointed by the Court of Circuit, or other competent authority required. But if a case be made out to the satisfaction of the Court of Commission or other competent authority, that the confinement of the party is essentially necessary to guard against the failure of justice, that then, and in such case, the witness so confined shall be entitled to 3 skillings a day, for the time of such extra confinement.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 12th day of March, 1813.

(Signed) J. F. CRADOCK.

[Copy.]

*Letter from the FISCAL DENYSSSEN to SIR JOHN CRADOCK.*FISCAL'S OFFICE, *March 16th 1813.*

SIR,—I have the honor to lay before Your Excellency the enclosed Statement of the present state of Slavery in this Colony, in which from the multiplicity of my official duties I have been obliged to confine myself to a sketch of the principal points of what is prescribed by the Laws respecting Slavery, the particulars specified in the Laws enacted here from time to time I have given more circumstantially, because that it would be more difficult to supply the deficiency of my Statement in that respect than in others.

I shall be very happy in case I may be so fortunate as to have answered Your Excellency's intention on the three points required, namely the prescribing how far the power of the Masters extends over the Slaves, what right remains to the Slave, and in what manner Justice is administered in cases in which Slaves form a party concerned. I have added thereto something on the manner in which slavery commences and terminates, as also what is prescribed by the Laws of the Colony for the maintenance of a good Police among the Slaves. By the word *slave*, which I have made use of in almost every paragraph, I mean both male and female, and by the term *owners* or *masters* also the mistress or those in whose charge or under whose direction slaves may be. I have taken this liberty alone for the sake of brevity, and I now beg leave to make some observations which I could not with propriety have done in my statement.

Slavery considered in itself I acknowledge to be contrary to the principles of the Law of Nature, and an evil in Society, but it is an evil which has crept into this and other Colonies by the acquiescence of the Sovereign, and through the sanction of the Colonial Laws has become a right to the Inhabitants, and which so to say the laws being the cause of, according to the general principles of Jurisprudence cannot be removed unless it be done without injury and loss to the Inhabitants.

Supposing upon these grounds that Slavery will during an uncertain number of years still continue in this Colony, I think it

my duty to say a word in defence of the Laws which are in force here with respect to Slavery.

Objections might perhaps be made to the multiplicity of corporal punishments to which slaves are exposed by those Laws, but they are the unavoidable consequence of slavery, while numerous transgressions of the Laws can be punished with free persons by fines, slaves do not possess any money or property with which they can atone for transgressions of the Laws, as everything which a slave possesses is the property of the Master, and he must therefore, one of the two, either remain without punishment, or be corporally punished; in this respect he stands the same with the lower class of free people, of whom it has become a proverb that "*qui not habet in aere luat in pelle.*" In the mean time the laws have also provided that *trifling offences* of slaves, which do not proceed from their own free will, but which are committed on the authority of their masters, are excused in the slaves and alone punished in those who have given their authority thereto. This is to be found stated as a Rule in Law, in Lib. 50 Pandect, Tit. 17, Lex 157, Lib. 44 Pand. Tit. 7, Lex 20.

I know that the liberty allowed by Law to Masters to punish their grown up slaves domestically without the interference of any Magistrate is not much approved by your Excellency, but when this liberty is so prescribed as it is by the Laws, and the Slave allowed the right to complain of his being ill used, I conceive with due submission to your Excellency's better judgment, that there is not so much danger in allowing this liberty of domestic correction to the Master as appears at first view. Experience has enough taught us that the generality of slaves always incline to dissolute conduct, and that they take no interest whatsoever in the welfare of their Masters, which frequently obliges the latter, when they cannot confine their slaves within the pale of their duties by reason or verbal correction, to have recourse to corporal punishment. The multiplicity of such examples is so great that it is impossible to give them all over to the Fiscal, Deputy Fiscal, or Landdrosts, and besides a certain idea of scandal is attached to a slave being publicly punished under the eye of the Magistrate, which is the cause that slaves consider such as an aggravation of domestic correction, and by undergoing such punishments they entirely lose every sense of honor in case they may have had any, and therefore this is the reason that in many families the trans-

gressions of slaves are not brought to the cognizance of the Magistrate without the greatest necessity.

The household authority of the Master should also be maintained, because that the same experience which moved the Lawgiver to prescribe the punishment of death for any violence which a slave commits on his Master has also taught us that slaves would readily oppose their Masters and shake off the Yoke of Slavery, even at the expense of the life of the Master, in case they were not kept in order by fear and domestic restraint; from all which it appears to me that domestic restraint is an evil, which in the state in which things are is necessary towards the prevention of a greater one. But on the other hand it has appeared to me that there is not any proportion between the severity of the Laws towards the prevention of transgressions in the slaves, and the mildness of the same in rewarding their good conduct; the good and the bad slave can be equally disposed of to the highest bidder, at the discretion of the Master, and the husband can be separated from his wife, the mother from her children, whether they have faithfully served their Masters or not. The good conduct of the Slave is frequently an obstacle to his being made free, because that his pecuniary value increases in proportion to his good conduct, and I am therefore of opinion that if the situation and future prospects of slaves who by their good behaviour distinguish themselves from the others were improved by mild Laws, it would be a praiseworthy addition to the existing laws respecting slavery.

The want of time prevents me of entering more fully into the subject, and I therefore have no doubt but your Excellency will find many deficiencies in my work, but the friendly indulgence which I have uninterruptedly experienced in my feeble endeavours to fulfil the task I am charged with, encourages me to submit the present work, such as it is, to the indulgent judgment of your Excellency. I have &c.

(Signed) D. DENYSSEN.

[Copy.]

Statement of the Laws of the Colony of the Cape of Good Hope regarding Slavery.

1. The Laws which regulate Slavery in this Colony are (a) the Laws which have been made and promulgated on that head by the Colonial Government. (b) The collection of laws under the title of Statutes of Dutch India, for as far as they are not contrary to the existing laws of the Colonial Government. (c) And finally the Roman Law, for as far as that is not contrary to the Colonial Law, the Statutes of India, or the spirit of modern jurisprudence.

Decree of the Governor and Council at the Cape of Good Hope dated 15th February 1715.

Statutes of India, Title Slaves, Art. 86.

2. Slavery is described in the Roman Law as a state contrary to nature, wherefore it is not at all surprising that even the Romans who considered that state as approved by the laws of nations and who therefore allowed it amongst them, always wished to have their own laws interpreted in favour of the slave, and that they considered nothing so advantageous as liberty.

Lib. 1, Inst. Tit. 3, par. 3.

Lib. 50 D. Tit. 17, Lex. 122.

3. After that the importation of slaves into this colony has been entirely prohibited, slavery can only arise from birth, it being a generally received principle in the Roman Laws that children not born in legal marriage must follow the state of the mother. Which however is to be understood of children born in slavery, for should the mother be emancipated during the time of her pregnancy, the child born after that emancipation is also free.

Lib. 1, Inst. Tit. 3, par. 3.

Lib. 1 D. Tit. 5, Lex 24.

Lib. 1 D. Tit. 5, Lex 7.

4. Prisoners of war cannot be made slaves, even if they were Caffres or other barbarous nations living beyond the boundaries of this Colony, such being contrary to the spirit of modern jurisprudence and the interests of the Colony itself.

5. It in the same manner appears to me to be contrary to the jurisprudence of the present day that grown up persons, who *male fide* allow themselves to be sold in order to share the price with the seller, or emancipated slaves who behave ungratefully to those

who gave them their freedom, should be slaves, altho' it is otherwise understood by the Roman Law.

6. Slaves are the property of their owners and consequently they stand under the voluntary command of their masters, can be alienated at pleasure, and on the death of the owner devolve in property to the legal successor.

Lib. 1 D. Tit. 5, Lex 4,
par. 1.

7. The laws which allow slavery do not however allow that we are to discontinue to consider slaves as our fellow creatures or as the common subjects of the sovereign, under whom we live; the power of masters over their slaves is limited in many respects by the laws, but where that is not done they remain free and independent.

Lib. 1 D. Tit. 6, Lex 2.
Lib. 44 D. Tit. 7, Lex 20.
Lib. 47 D. Tit. 10, Lex
17, par. 7.
Lib. 50 D. Tit. 17 Lex 157.
Lib. 11, Cod. Tit. 40, Lex 6.

8. Among the limitations prescribed by the laws to the power of the master are, that a master has not a right to command a slave to do anything which is contrary to law or morality.

9. The master cannot at his pleasure dispose over the life or limbs of his slave, but is obliged when they behave well reciprocally to behave well to them; besides which he is obliged to provide his slaves with board, lodging, and clothes.

Grotius de J. B., P. Lib.
3, Cap. 14, par. 6.

10. The masters being Christians are obliged to bring up their slaves in the Christian faith, to catechize and have them baptized provided they can be brought thereto without making use of absolute means of constraint.

Statutes of India, Title
Slaves, Art. 9.

11. No master whether Christian or heathen shall on any account allow his slaves to be circumcised by the heathen priests on pain of confiscation of such slaves on behalf of Government, over and above a penalty of Rds. 500 on behalf of the magistrate who prosecutes.

Statutes of India, Title
Slaves, Art. 11.

12. Among the same likewise belongs that the punishment of crimes committed by slaves is reserved to the Court, and is by no means left to the discretion of the master.

Statutes of India, Tit.
Slaves, Art. 13.

13. Domestic offences of slaves may be corrected by the master, not only by verbal reprimand, but also by corporal punishment,

without the previous knowledge or consent of the Court, Fiscal, or Landdrost under whose jurisdiction they belong, provided that such domestic correction does not exceed thirty-nine lashes.

Order of His Excellency the Governor communicated to the Fiscal by letter of the 8th Jan. 1813.

14. In what manner and with what instrument those corrections are to be inflicted is not prescribed by the laws of the Colony, still however it is recommended to every person not to punish any slave in his private house, on the naked body, or otherwise than on the back or buttocks, nor to make use of any other instrument for that purpose than samboks, leather thongs, their rattans, or the like, by which there is not any danger of occasioning contusions or open wounds.

15. Among the domestic offences which may be punished in this manner we are accustomed to class: (a) Neglect or negligence in performing the proper duties required from slaves by their master. (b) The occasioning of loss to the master by the neglect

Lib. 44 D. Tit. 7, Lex 20, & Lib. 47 D. Tit. 10, Lex 17, par. 7.

or carelessness of the slave. (c) Wilful disobedience of the legal orders of their masters, but by no means of such commands as are contrary to morality or the laws, and which a slave is not obliged to, or may not obey. (d) Drunkenness. (e) Impudence, not amounting to force, or to assaulting the master or openly resisting his commands. (f) Desertion or running away. (g) The committing of domestic thefts, although they otherwise should be arranged among the number of *crimes*. (h) All other transgressions against the master or those in whose service the slaves are, in case they should not be classed under the head of *crimes*.

16. The master is by no means at liberty on his own private authority to put a slave in irons, and in case he may be found to have done so, the slave who was thus iron'd must be sold for his account on condition of never again coming under his power or that of any of his relations.

Statutes of India, Tit. Slaves, Art. 3.

17. As the holding of a private prison must be considered as contrary to law, it follows hence, that a master has not any right to imprison his slave on his own private authority; still however no slave may leave the house or service of him in whose employ he is, without permission, or without subjecting himself to a

domestic correction in case he may do otherwise; the master is also fully entitled to take care that slaves do not leave their houses at night; and it is even to be wished that many masters would not give an opportunity to the irregularities and crimes which are committed by slaves during the night, through their carelessness and inattention in this respect.

18. Besides those, there can exist cases in which the master for the sake of his own safety or to prevent the slaves escaping is obliged to secure them in irons before he can have an opportunity of requesting permission for that purpose from the fiscal or landdrost under whose jurisdiction he resides, in which case the master is at liberty to secure his slaves in irons, provided that he gives notice thereof to the said magistrate of his district within 24 hours, or if he lives at a distance from his residence, with the least possible delay and request his approbation of what he has already done.

Statutes of India, Tit. of Slaves, Art. 13.

19. In case the degree of premeditated intention with which any of the offences described in § 15 is committed be so great that the master will not take upon himself to punish the offender in proportion to the transgression, he has the right to complain of the offender to the fiscal, deputy fiscal, or landdrost in whose district he resides, who is then to decide on the complaint after a summary investigation and who, should he find the complaint grounded, has then a right without bringing the same to the cognizance of the Court to punish the offender by flogging, imprisonment, or confinement in irons.

*Statutes of India. Tit. Slaves, par. 64.
Regulations for the Court of Justice, Art. 76.
Regulations for the direction of the Country Districts, Art. 69.
Instructions for the landdrost of the Cape District, Art. 44.*

20. In punishing domestic offences committed by slaves against their masters, the respective officers of justice are to attend to the following prescriptions of the law; viz.:

(a) Reproachful and offensive expressions to the masters to be punished by flogging and putting in irons of the offender, or otherwise according to the circumstances of the case.

(b) Desertion or running away according to the circumstances of the case, sometimes besides this punishment, with putting in irons.

*Publication of the 3rd Sept. 1754, par. 1.
Publication of the 20th August 1794, par. 1, and Statutes of India, Tit. Slaves, Art. 70.
Statutes of India, Tit. Slaves, Art. 20.*

21. Children begotten by a master with any of his slaves may never be sold, whether the estate be solvent or insolvent, but must be emancipated after the death of the master.

Statutes of India, Tit. Slaves, Art. 8.

22. The same is to be observed with respect to mothers who have children by free persons not Christians, in case that the estate of the master, who is the father of the child, be found solvent, but otherwise not.

Statutes of India, loco citato.

23. Owners being heathens, are obliged to sell their slaves in case they embrace the Christian faith, to Christians.

Statutes of India, Tit. Slaves, par. 10.

24. Excepting the cases abovementioned masters are at liberty to alienate their slaves, and this right goes over to their successors at their decease, unless the property be prescribed by the manner in which it has been acquired ; as by an agreement with the former proprietors to emancipate the slaves, or by the will of those who have bequeathed the property of the slaves by inheritance or legacy to their present masters or by other circumstances hereafter to be mentioned.

25. Slavery has this consequence that slaves have not any of those rights and privileges which distinguish the state of the free in civil society ; they cannot marry, they do not possess the right of disposing of their children, even if they be minors, they cannot possess any money or goods in property, they cannot enter into any engagements with other persons, so that they can compel them to the fulfilment of such engagements, they cannot make a will, and they are therefore considered in the civil law as not existing.

Lib. 50 D. Tit. 17, Lex 209.

26. Still however the Roman Laws acknowledging that all men in the state of nature enjoyed equal rights, did not wish that the slaves should be entirely deprived of the rights of nature ; but they admitted as a principle that although slaves did not participate in the Civil Law still however that they had a share in the laws of nature.

Lib. 50 D. Tit. 17, Lex 32.

27. One of the consequences of this principle is, that although slaves cannot marry, still however they can cohabit together as man and wife, which is approved of by law ; such cohabitation cannot be allowed between

Vide infra, par. 81.

persons who by the Civil Law are forbid to marry on account of consanguinity, affinity, or decency. The breaking of the faith of such cohabitation among slaves is not punished as adultery, because no marriage can subsist among them.

Lib. 23 D. Tit. 2, Lex 14, par. 2.

Lib. 9. Cod. Tit. 9, Lex 23.

28. Another consequence of the above stated principle is also, that although a slave cannot easily be offended by words, still however a corporal offence committed on slaves is punishable according to the circumstances of the case.

Lib. 9, Cod. Tit. 9, Lex 23.

29. It is likewise specially prescribed in the law, that he who deprives another of his life must be punished as a murderer, without making any distinction of the state or condition of the deceased, even if he be a slave.

Lib. 48 D. Tit. 8, Lex 1, par. 2.

Lib. 9 D. Tit. 2, Lex 23, par. 9.

30. However when death is the consequence of extravagance of the master in punishing his slave without a premeditated intention to kill him, the master so offending is according to the Roman Law not considered as a wilful murderer, nor is he subject to the punishment prescribed for wilful murder, which has been also adopted in the modern laws, it being specially prescribed in the

Lib. 9, Cod. Tit. 14, lex unico.

Statutes of India, that if any person should beat his slave to death or otherwise deprive him of his life (that is, should he have been the cause of his death, by excessive flogging or punishment, without however having intended to kill him) he shall be corporally or otherwise punished, according to the circumstances of the case; and the parents of children of such deceased slave, should they belong to the same master, immediately sold for his account to the highest bidder, but not to the master or any of his relations.

Stat. of India, Tit. Slaves, Art. 14.

31. Among the consequences of this principle can also be brought, that slaves being ill-treated by their master or representatives or not being properly provided with the necessaries of life, have a right to complain to the fiscal, deputy fiscal, or landdrosts under whose jurisdiction their masters reside, who are then obliged to investigate the complaint, and finding it to be true to

Instructions for the Court of Justice, Art. 78.

Regulations for the government of the country districts, Art. 70.

bring the same to the cognizance of the Court of Justice or of Commissioners from the said Court in case the matter be criminal, in which case, the said Commissioners may by summary process decide on the same, according to the circumstances of the case, and pronounce sentence, agreeably to the laws of this Colony.

Instructions for the landdrost of the Cape District, Art. 45.

Proclamation of His Excellency My Lord Macartney, dated the 11th July 1797.

32. The decision of the Court of Justice or Commissioners from the Court should be guided principally by the following considerations, viz. that the avarice of masters who refused to provide their slaves with the necessaries of life, their premeditated cruelty or severity in punishing a slave beyond the limits of domestic discipline, in the habit of indulging their unruly passions and their making use of compulsory means in forcing a slave to obey any such commands which are contrary to law or morality, deserve a severer punishment than small and unpremeditated injuries, which through the inconsideration or neglect of his master, or through his own provoking impudence, a slave may have suffered; that with regard to the former the highest punishment to which a

Statutes of India, Tit. Slaves, Art. 13, Lib. 1 D. Tit. 6, Lex.

master can be subjected would be the sale of the slave so ill-treated, for account of his master, under condition of never again coming under his power or that of any of his relations; which punishment however can be rendered more severe according to the circumstances of the case, in so much that a master who has compelled his slave to commit a crime becomes liable to such criminal prosecution as he would be liable to if he had committed the crime himself; but with regard to small and unpremeditated injuries, a trifling fine, or reprimand of the Court, would sufficiently atone the offence of the master.

Vide the instructions and regulations quoted in margin of par. 31, and the Statutes of India, Tit. Slaves, Art. 16.

33. In case the complaint of slaves be found groundless, they may be domestically punished, by order of the fiscal, deputy fiscal, or landdrost, or whomsoever the business may concern, with the concurrence of the masters, for the offence they have been guilty of by such false complaint.

34. Although the slaves cannot possess goods in property, nor bind others to them by contracts, it however frequently happens

that conscientious masters leave to them the free administration of what they either by their labour or otherwise acquire for themselves. What they in this manner possess they are at liberty to dispose of as they please, and to enter into engagements to such effect that the owners can be compelled by law to the fulfilment of their engagements for so far as it can be done from the property thus separately possessed by their slaves.

Lib. 15 D. Tit. 1.
Stat. of India, Tit.
Slaves, Art. 66.

35. In case a master becomes a debtor to his slave in consequence of such an engagement, and that he has paid the debt after emancipating his slave, he cannot demand back the monies with which he has paid that debt, under pretext that he could not have been the debtor of his slave.

Lib. 12 D. Tit 6,
Lex 64.

36. Crimes committed by slaves are amenable the same as those committed by free persons, to the judgment of the Court of Justice, and are punished with the same punishments.

37. Crimes against the life or safety of their master's persons are however more severely punished than those against others, whence it comes that slaves, in case they proceed so far as to assail their master, although without weapons, they must suffer death without mercy, agreeably to the express commands of the law.

Pub. of the 20th
August 1794, Art. 2.
Stat. of India, Tit.
Slaves, Art. 18.

38. The care requisite for the maintenance of a good police has also occasioned that the transgressions of slaves, by which the peace and tranquillity of the inhabitants and the safety of their persons and properties could be disturbed, especially in the public streets and roads, are by the laws of the Colony subject to punishments free people are not liable to.

39. Such is the law enacting that a constable seeing a slave wilfully jostle or push against a European, even of the lowest class, (that is actually European or descended from one), or otherwise insult him, is obliged, in the absence of the master, immediately to apprehend such slave, and have him punished with flogging by order of the magistrate.

Pub. of 20th
August 1794, Art. 25.

40. In case the owner be present the person offended can demand satisfaction from the master, which

Said Pub. Art. 26.

he is obliged immediately to give him by having the slave punished.

41. Slaves may not either by night or day carry any weapons with them, on pain of being flogged and sent back to their masters.
Said Pub. Art. 12.

42. No person may sell a gun, sword, or even a knife to a slave on pain of discretionary punishment.
Said Pub. Art. 13.

43. None of the inhabitants shall allow his slave to carry a gun, not even after their cattle, unless in the presence of the master, under a penalty of one hundred rixdollars.
Said Pub. Art. 29.

44. On Sundays and holidays the slaves are forbid to come into the church or porch at the end of Divine Service or as the congregation are going out, or from making any noise or committing any wantonness during church time, on pain of, if caught in the fact, being severely flogged.
Said Pub. Art. 23.

45. At funerals no slave may come inside the wall of the burying ground, under the same penalty as above prescribed.
Said Pub. Art. 24.

46. No slaves unless accompanied by their master, or sent for the purpose of taking care of their children, may enter the government garden on pain of being beaten.
Pub. of the 9th
January 1753, Art. 8.

47. A like punishment is prescribed for slaves who being sent into the government garden, with the children, do not prevent their going beyond the limits of the allowed walks.
The same Pub. Art. 7.

48. No slave may walk in the street with a lighted pipe on pain of being flogged.
Pub. of the 20th
August 1794.

49. No slave may ride hard either with a horse, waggon, or carriage, between the castle and the houses within Cape Town or of the Table Valley, on pain, if detected therein, of being flogged.
Said Pub. Art. 14 and
Proclamation of the
31st March 1796.

50. In like manner no slave may crack his whip hard before persons passing within the above limits, under similar penalty as above prescribed.
Said Pub. Art. 15, and
Proclamation of the 31st
March 1796.

51. No tubs of the necessities or of other dirt may be carried away than in the morning early at daybreak, on pain that the slaves so doing, over and above the penalty which their masters incur thereby, shall be severely flogged for each offence. This law has however by custom become so lenient that slaves are now allowed to carry away such dirt in the evening between light and dark.

Pub. of the 11th
December 1742.

52. In like manner no tubs of the necessities or other dirt may be emptied anywhere else than at the beach, not in the streets, in the canals or in any other place or square in or near the town, much less before the doors of the inhabitants, under a like penalty as prescribed in the preceding article.

Pub. of the 20th
August 1794, Art. 17.

53. Many other different regulations are to be found in the laws of the Colony, which also belong to the present subject, towards the prevention and hindrance of many irregularities which are generally committed by slaves, and especially theft and receiving of stolen goods, wantonness in the public streets and roads, and wandering about of runaway slaves.

54. No person may purchase anything whatsoever from a slave excepting eatables, under a penalty of Rds. 50 to be forfeited by the buyer.

Pub. of 20th August
1794, Art. 19.

55. He who purchases anything from a slave below the value or under other circumstances from which it may be supposed that the same was stolen, shall be considered as the receiver and punished accordingly.

Said Pub. Art. 20.

56. No goods shall be hawked about for sale by slaves, under a like penalty of Rds. 50 to be paid by the owner of the slave, over and above confiscation of the goods so hawked about.

Proclamation of the
22nd January 1808.

57. No slave either in Cape Town or Simon's Town may act as coolie or porter unless provided with a numbered ticket, and which slave be duly registered in the fiscal's office, on pain of being flogged and besides confined for three months on the public works, which ticket is to be suspended by a string round his neck, so that everyone may see the same.

Proclamation of the
16th March 1809.

58. No slave may rent a house or room, neither beside or

lodge out of the house of his master, on pain of corporal punishment, besides the penalties of the owner and the landlord of the house or room who may transgress this order.

Proclamation of the
15th July 1800.

59. The owner is however permitted to hire his slaves or to make them work with others, as also to allow them to live with those in whose service they are, provided they are furnished with a note specifying the names of those to whom they are hired and where they are allowed to lodge, which note being also signed by those under whose charge such slave is, must be produced to the fiscal's office, under a like penalty as prescribed by par. 58.

Said Proclamation of
the 15th July 1800.
This law, although
recommended by its
utility, is scarcely in
observance here.

60. Slaves belonging to Government as also the convicts may not sell, barter, or in any other manner alienate the clothes allowed them, on pain of being flogged and put in irons for ten years to labor on the public works, over and above the pains and penalties to which the purchasers and other transgressors of this law are subject. No slave may sing, whistle, or make any other noise at night in the streets, by which they are accustomed to induce one another out of the houses, thereby affording an opportunity of committing irregularities or concealing of stolen goods, on pain, if detected therein, of being severely flogged.

Pub. of the 19th
January 1771.

Pub. of the 20th
August 1794, Art. 16.

61. No slave is allowed to join gamblers either in the houses or in the streets or in any secret places, on pain of being flogged, and if found gambling near the public water pump he will be immediately tied to a pole erected there for that purpose, and flogged by the constables.

Pub. of the 20th
August 1794, Arts. 5
and 9.

62. It is prohibited to slaves under a like penalty to mix together in fighting, rioting, or making tumultuous commotions, it being ordered that the constables finding slaves in the fact of committing any such irregularities shall arrest them by force, in case of resistance; and it is further enacted by the law, that the constables seeing 3 or more slaves

Same Pub. Art. 6.

Said Pub. Art. 8.
Statutes of India, Tit.
slaves, Art. 52 and
Art. 61.

Pub. of the 20th
August 1794, Art. 10

together, if they belong to different masters, shall make use of their canes to separate them.

63. After dark and also during the night no slaves shall appear in the street or in the neighbourhood of the town, unless with those under whose charge they are, without having a lighted lantern in their hand, on pain of being apprehended the same as runaways; herefrom however are excepted
Said Pub. Art. 11.

slaves who come from the country with wag-gons, as also wood carriers, provided they are furnished with a regular pass.

64. Under a like penalty slaves sent out for fire wood must be provided with a proper pass, which must be renewed weekly; the

Pub. of the 19th
January 1741.
Pub. of the 20th
August 1794, Art. 11,
and Pub. of the 1st
of January 1799, Art. 5.

masters being besides obliged to give their slaves strict orders not to commit any damage, and especially not to cut any . . . wood, to strike fire in the bushes, or in any other manner to occasion fire, and not to go to any places where wood is not allowed to be cut.

65. Under a like penalty must slaves who are sent out after eleven o'clock besides having a lighted lantern with them, be pro-

Pub. of the 1st January
1799, Art. 4.

vided with a pass from their masters, containing the reasons of their being sent out so late, which pass must be dated and can

alone serve for that night.

66. Finally under a like penalty every slave who is sent from the town to the country, or from the country to town with a

Pub. of the 17th July
1760.

message or on any other . . . must be provided each time with a pass containing the date when it was granted, and signed by him

or her who sent the slave out.

67. When a slave be apprehended for any of the reasons specified in the four preceding articles, after that it shall be properly

Pub. of the 1st January
1794, Arts. 5 and 6.

investigated whether the transgression was the fault of the master or of the slave, in the former case the master and in the latter

case the slave shall be liable to such punishment as the nature of the case may seem to require.

68. Every person is obliged when he finds one of his slaves mediate notice thereof to the fiscal, or to the

landdrost in whose district he resides within 72 hours after the time the slave is found absent, on a penalty of 10 Rds. to be paid by the master.

69. Everyone is obliged to warn his slaves whom he may send to cut wood or do anything else in the fields, that in case they may obtain any information where runaway slaves conceal themselves, to give immediate information thereof to the masters, who must thereupon give notice of the same, without delay, to the fiscal or the respective landdrosts; as otherwise the slave who may be thus warned, and who notwithstanding may be found to have seen or heard of any runaways without informing their masters, shall be considered as accomplices in any crime which such runaways may have been guilty of during his absence and consequently punishable as such.

Pub. of the 7th August
1760.

70. Every person is at liberty when he meets with a slave who has deserted three or more days from his master, and will not give himself up or offers resistance, to fire at him, in order to get possession of him dead or alive, without being subject to any responsibility for the same, provided that he gives information thereof to the magistrate in whose jurisdiction the same took place.

Pub. of the 7th October
1740, Art. 80.
Statutes of India, Tit.
Slaves, Art. 33.

71. No person is at liberty for whatsoever reason to detain other persons' slaves without the consent of their master, under a penalty of Rds. 25 for each day or night.

Pub. of the 20th
August 1794, Art. 3.

72. When such detention continues longer than 24 hours, or when it is done with an intention to facilitate the desertion of such detained slave, or to keep him from his owner, he who has been guilty thereof shall without respect of persons be considered as convicted of having seduced or stolen slaves, and as such punished accordingly.

Pub. of the 20th
August 1794, Art. 4,
et Publication of the
11th October 1744,
Art. 49.

73. No slave is allowed to draw liquor in a Wine or Public House, on pain of being scourged with rods, besides the penalties prescribed against those who so employ their slaves.

Publication of the 20th
August 1794, Art. 18.

74. The punishments prescribed by the laws for transgressions

of slaves as abovementioned in the 93 and following Paragraphs the respective officers of justice are authorised to execute on the slaves without form of process.

Vide the Proc.
of the Supreme India
Government on the
subject of Praal and
Pracht (pomp and
pageantry) promulgated
on the 30th December
1754, Tit. 5 and 6, and
confirmed by Proclama-
tion of the Governor
and Council of this
Colony, dated 15th July
1755.

Vide the Regulations
for the Government of
the Country Districts,
Art. 236, and the
Statutes of India, Tit.
Slaves, Art. 50.

Pub. of the 20th
August 1794, Art. 28.
This provision of the
law seems to have gone
into oblivion.

75. With respect to the clothing of slaves there were regulations in former times, principally tending to curb the prevailing pride of the Company's servants and other inhabitants of the East Indian Colonies. But of those regulations prescribed by the laws nothing else is observed than the prohibition of slaves wearing shoes and stockings, and even this prohibition is now but little attended to, as experience of a few successive years has taught us.

76. When a slave dies, the master is obliged if in town to report the same to the Fiscal's office and if in the Country to the Fieldcornet under whose jurisdiction he resides, before that the body be buried, in order should there be reason thereto that the corpse may be previously inspected.

77. When a slave is buried, no more than 6, 8, or 10 pair, according to the rank of the owners, may follow the corpse, under a penalty of Rds. 25 to be forfeited by the master.

78. After stating the laws respecting the maintenance of good police, everything which can be further said respecting slaves is more a statement of particulars with regard to the rights of masters than a regulation of the state of slaves, and this with some particulars quoted of the rights of owners are principally if not solely derived from the Roman Law.

79. To this belongs that a slave having defrauded any person or committing any crime, it is sufficient for the master if he gives up such slave on behalf of the interested parties or to justice, without his being any further responsible, unless the crime has been committed by his order or with his consent.

Stat. of India, Tit.
Slaves, Art. 19.
Liber 4, Instit. Tit. 8.
Lib. 9 Pand. Tit. 4.
Lib. 9 Cod. Tit. 41.

80. The sale of slaves is frequently annulled by law in

consequence of complaints or infirmities which the purchaser may discover in such slave after that he has closed the bargain, in which respect the *dedilium edictum* of the Roman Law is observed by the Courts of the present day.

Stat. of India, Tit.
Slaves, Art. 68 and 69,
Lib. 21 D, Tit. 1.
Lib. 4 Cod. Tit. 58.

81. In case the man and his wife, the parents and their children, children, brothers and sisters, or others bound to each other by the ties of near relationship were sold together, the sale of one of them cannot be annulled on pretence of any complaint or infirmity which the purchaser has not been aware of at the time of sale, unless such a slave be restored to his former master together with the others who have been sold with him.

Lib. 21 D, Tit. 1,
Lex 85.

82. When a slave is promised his freedom at a certain limited time, either by will or agreement *inter vivos*, or under a condition, he nevertheless remains a slave till the time expires when his slavery is to end or the condition of his emancipation fulfilled. Also when a slave is given emancipation in *fraudem creditorum*, he remains in a state of slavery till such time as it shall have appeared if the creditors have made use of their right to sell him as a slave, and not making use of that right, the slave so emancipated notwithstanding the fault in his emancipation is nevertheless free.

Lib. 40 Pand. Tit. 7.

83. The children of a female slave born previous to the time prescribed for emancipation, or pending the fulfilment of the condition, are slaves.

Lib. 40 Pand. Tit. 7,
Lex 16.

84. The state of slavery immediately ceases as soon as a slave is made free by the owner in a legal manner.

85. The state of slavery also ceases without emancipation when the master having bound himself at the purchase of the slave or otherwise to make such slave free, neglects duly to perform his engagement; or when an heir or legatee neglects to fulfil the condition of the emancipation of a slave to which he is bound by the will of those whom he succeeds; and in general when an owner who is under the obligation from whatever reason it may be to emancipate his slave, does not duly perform his obligation at the proper time.

Lib. 4 Pand. Tit. 4, 5,
and 8.

86. In case a slave discovers who was the cause of his master's

death, or if he has saved his master from the danger of his life, or who has done everything in his power for that purpose at the risk of his own life, shall be rewarded for his fidelity by being immediately made free.

Stat. of India, Tit.
Slaves, Art. 81. Lib. 40
Pand., Tit. 8, Lex 2.

87. In like manner when a slave being unable to serve his master longer through sickness, weakness, or any other infirmity, is left in his misery and not be provided with necessaries, he shall be made free should he desire it by the Court.

Stat. of India, Tit.
Slaves, Art. 81. Lib. 40
Pand., Tit. 8, Lex 2.

88. When an owner has voluntarily agreed that his slave shall be made free on the payment of a certain sum of money and that he has actually received the stipulated amount from his slave, he is bound to give his slave the effect of his agreement.

Lib. 40 Pand. Tit. 1,
Lex. 4. Lib. 4 Cod.
Tit. 6 and Lex 9.

89. The acts of emancipation of slaves must especially contain whether the same has been done by purchasing free or otherwise.

Statutes of India, Tit.
Slaves, Art. 75.

90. Those who emancipate their slaves are obliged to pay to the Poor Box of the Reformed Church a sum of Rds. 50, and to give security that such slave shall not become a burthen to the same within twenty years after the time of the emancipation.

Cape of Good Hope, 16th March 1813.

(Signed) D. DENYSSEN.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., *to* SIR JOHN CRADOCK.

DOWNING STREET, 18th March 1813.

SIR,—I am directed to acquaint you that Mr. Walter Bentinck has applied to Earl Bathurst to extend his leave of absence from his official duties at the Cape of Good Hope, and to inform you that his Lordship has complied with his request in consequence of the death of his father, for the further period of three months.

I am &c.

(Signed) HENRY GOULBURN.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 2nd April 1813.

SIR,—I have the honor to acknowledge the receipt of your dispatches No. 37, 38, and 39, delivered to me by Colonel Arbuthnot, which have been laid before his Royal Highness the Prince Regent.

The two former of those dispatches require no observation. But with respect to the latter, I have to express my sincere regret that you should have so far misunderstood the tenor of my letter of the 29th of July 1812, as to conceive that any Censure was implied in the anxiety which I felt it my duty to express for the preservation of Peace with the Caffres, even at the expence of a reasonable sacrifice of Territory. His Majesty's Government certainly had indulged a hope that tranquillity might have been maintained without danger to the Settlement; but it was very far from their intention to countenance the opinion that no aggression on the part of the Caffres could afford just ground for hostility. The details which I have since received from you are most satisfactory, as evincing that hostilities were not undertaken until the moment at which longer forbearance had become incompatible with the safety of His Majesty's Possessions, and that the war had been uniformly conducted, altho' with vigor, yet with an earnest desire of conciliation.

I had occasion in my dispatch of the 30th of November to communicate to you the approbation which His Royal Highness had expressed of the conduct of those by whom the War had been conducted, and the peculiar satisfaction which His Royal Highness derived from its termination. I have only now to add that the maintenance of peace continues to be, as it ever has been, the object of His Royal Highness's most anxious wishes, and His Royal Highness is convinced that no effort on your part will be wanting to secure its continuance. I have &c.

(Signed) BATHURST.

[Original.]

*Letter from VICE ADMIRAL STOPFORD to JOHN WILSON
CROKER, ESQRE.*

President AT SPITHEAD, 13th April 1813.

SIR,—You will be pleased to acquaint my Lords Commissioners of the Admiralty with my arrival at Spithead in His Majesty's Ship *President*. * * * I shall have the honor of waiting upon their Lordships as soon as I receive their directions about the disposal of my Flag. I have &c.

(Signed) ROBERT STOPFORD, Vice Admiral.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 17th April 1813.

SIR,—In reply to your dispatch of the 25th January, marked separate and secret, I have only to express my entire approbation of the letter which you wrote to Mr. Turr on his appointment as Master of the Latin School in the Colony. From his former character, and from his present disposition, there appears reason to apprehend that he may be inclined to disturb the tranquillity of the Settlement; and as he would by being admitted to the profession of the Law possess additional means of carrying such plans into execution, I am desirous of confirming the opinion which you entertain as to the impropriety of granting him permission to pursue that profession in the event of his resigning his present office. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 17th April 1813.

SIR,—Your dispatches to No. 49 inclusive have been received and laid before the Prince Regent.

The embarrassments which have been occasioned by the conflicting appointments of Mr. Truter and Mr. Maude to the same situation are matter of serious regret, more especially as the high character of Mr. Truter appears to give him a claim to an Appointment which I am, from unavoidable circumstances, unable to confirm. My dispatch of the 23rd of December last will have informed you of the measures which I thought it necessary to adopt in this case; and I have only now to add my hope that the period is not very distant at which you may be able to compensate for Mr. Truter's disappointment by conferring on him some other office of equal importance and respectability.

It has ever been the anxious wish of His Royal Highness to extend to all classes of persons in His Majesty's Dominions the knowledge and blessings of the Christian Religion. His Royal Highness therefore views with more than ordinary approbation the measures which you have taken for removing the obstacles by which its extension to the slave population of the Colony has hitherto been retarded. The unfortunate lot of that class of the Community, and the degraded state of their general Moral Character, point them out as deserving objects for consolation and improvement; and as their conversion, by your Proclamation of the 9th of October, no longer interferes with the interest of their masters, His Royal Highness indulges the expectation that it may the more speedily take place.

His Royal Highness learns with great regret that the Slave Trade is still carried on by the Portuguese nation under circumstances so revolting to humanity as those detailed in your dispatch No. 48. I have not failed to transmit a copy of that dispatch to Lord Castlereagh, in order that he may bring before the Portuguese Government the aggravated evils which attend the traffic in slaves as carried on by their subjects.

I am in no degree insensible to the advantages which would result to the Settlement from an encrease of free labourers, but it is in my opinion to be looked for only in the regular and gradual progress of population, assisted by such supplies of Captured Negroes as may from time to time be landed in the Settlement.

The project proposed by Mr. Murray of purchasing slaves at Rio Janeiro and liberating them on certain conditions at the Cape is one liable to the most serious objections, as calculated to give encouragement to the Slave Trade carried on by the Portuguese,

by encreasing the demand for slaves in Brazil. The facilities also which it might afford to the clandestine importation of Negroes under pretext of their immediate liberation would be a sufficient ground, if no other existed, of resisting the application.

I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from SIR JOHN CRADOCK to CHARLES BLAIR, ESQRE.,
Collector of Customs.*

NEWLANDS, 17th April 1813.

MY DEAR SIR,—As I am upon the point of making my Reply to England upon the subject of my letter to you of the 11th March, respecting the seizure of the *Restaurador* and the calumnies that were forwarded by Lord Strangford from Rio Janeiro, I am to request that you will favour me with the official answer to that letter.

I am in possession of the paper I requested from you relative to the number and names of the slave ships that had touched here or had been detained for the last two years, and which was the only statement I required while there was any reserve upon the subject, but what I now want is the reply that you have taken every public as well as private step to discover if such a Transaction as the one alluded to in Mr. Russell's Declaration could have taken place. Yours &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from the Collector of Customs to SIR JOHN CRADOCK.

CAPE TOWN, April 20th 1813.

SIR,—I have the honor to acknowledge the receipt of Your Excellency's letter of the 11th March, with extract of a dispatch from Viscount Strangford to Viscount Castlereagh, dated Rio Janeiro, 2 May 1812.

In answer to which I beg leave to assure Your Excellency that I have taken every public as well as private step to discover the shameful transaction therein alluded to, but without success.

I have the honor to enclose a list of ships that have had slaves on board and anchored in Table and Simon's Bays from the 21st November 1808 to the 21st January 1813. I remain &c.

(Signed) CHARLES BLAIR, Collector of Customs.

A list of twenty-two ships, with particulars relating to each, is given.

[Copy.]

Letter from SIR JOHN CRADOCK *to* VISCOUNT STRANGFORD.

GOVERNMENT HOUSE, CAPE TOWN,
22nd April 1813.

MY LORD,—I have received several communications from Earl Bathurst, His Majesty's Secretary of State for the War and Colonial Department, relative to the seizure in this port, and condemnation, of the Portuguese slave ship the *Restaurador* by the Vice Admiralty Court of this Station, and at the same time conveying His Lordship's desire that I should transmit to him copies of the Court's proceedings.

In obedience to His Lordship's directions I applied to the Vice Admiralty Court for a copy, which I have transmitted, and also send a duplicate to your Lordship, with the view, that if any advantage can result from promptitude of explanation, your Lordship may have the most immediate benefit.

Upon this part of the subject I have only to add that all the proceedings were commenced, without my knowledge, on the part of His Majesty's Navy, that of course I shall not presume to offer any opinion upon a legal process, and one, moreover, in appeal to the High Court of Admiralty, and that over the Vice Admiralty Court at the Cape I possess no authority or control whatsoever.

It may, however, tend to good consequences to point your Lordship's attention at the earliest moment more particularly to the part of the treaty between the Courts of London and Brazil, which defines the character of English or Portuguese Vessels, in the prosecution of the slave trade, and which description, according to the

Lawyers' statements upon the question of condemnation before the Court, could alone determine whether the treaty had been violated or not.

Among the papers also transmitted by your Lordship to the Secretary of State I have received the extract from your Lordship's despatch of the 2nd May 1812, which requires the utmost attention, and demands from your Lordship and myself the most lively exertions to discover the truth.

I enclose copies of the letters that passed between the Collector of the Customs and myself, and hasten to communicate, that after the most sedulous inquiry from all persons that could be concerned in so disgraceful a transaction to the British character, I cannot obtain the smallest information that can give credit to Mr. Russell's report.

I also transmit to your Lordship the return I called for from the Collector of all the slave ships that have touched at the Cape for five years, which paper I have peculiar pleasure in forwarding to your Lordship, as by the personal examination of each master the truth will be directly known. If it prove the confirmation of Mr. Russell's account, I anxiously request that your Lordship will favor me with such particulars as will lead to the due punishment of the persons concerned in an act so disgraceful to the British nation; but if not, I am persuaded your Lordship's justice will induce you to acquaint the British Government of the want of foundation in the report, in the same public manner as the communication has taken place.

I am very unwilling to press upon your Lordship the strength of my opinion upon the mode adopted by your Lordship in conveying to the British Government an account so injurious to the reputation of the Colony, without imparting to me at the same time either the existence of such a charge, or the communication made, as I am certain, upon a moment's reflection, your Lordship will sensibly feel the right I have to complain of the omission, and the delay that this circuitous transmission must occasion in justice to the individuals, and reparation of the English character.

In the same despatch of the 2nd May 1812 your Lordship states "that the slaves were taken out of the vessel, and employed upon the public works at that settlement." I take the liberty to correct this information, by observing that in consequence of condemnation by the provisions of the Act of Parliament 47th year of His

Majesty's reign, upon the abolition of the slave trade the negroes fell under the disposal of His Majesty's Collector of the Customs, who, as they could not possibly remain on board the *Restaurador*, until the appeal was determined, apprenticed them out in the prescribed form, with the reserve, however, of restoration, should it be so required. I have &c.

(Signed) J. F. CRADOCK.

Documents filling more than half a volume are annexed, but need not be given here.—G. M. T.

[Original.]

Letter from SIR JOHN CRADOCK *to* HENRY GOULBURN, ESQRE.

GOVERNMENT HOUSE, CAPE TOWN,
April 22nd 1813.

SIR,—I have the honor to acknowledge your dispatch (in duplicate) of the 5th November 1812, transmitting five enclosures from Mr. Hamilton, Under Secretary of State, and Lord Strangford, relative to the seizure and condemnation by the Vice Admiralty Court on this station of the Portuguese ship the *Restaurador*, and also communicating the directions of Earl Bathurst that I should forward to his Lordship the proceedings that took place in this settlement upon the vessel in question.

To comply with these instructions I applied to His Majesty's Procurator General, David Jennings Esqre., for a copy of the proceedings held in the Vice Admiralty Court, and have now the honor to transmit them to his Lordship.

By these it will appear that the vessel was seized, and condemned, under a violation of the late treaty between the Courts of London and Brazil; and that an appeal has been lodged before the High Court of Admiralty, when the legal merits of the case will be ascertained and decided upon. Upon these of course I am not called upon to give any opinion, but have only to remark, at the earliest moment, that should the appeal be confirmed and the sentence of the Vice Admiralty Court be set aside, it will be very difficult to adjust the case, as it was not possible to retain the negroes in a collected state, and of absolute necessity it was required

to proceed in the manner pointed out by the several regulations made in consequence of the abolition of the slave trade; and his Majesty's Collector in this Colony, Charles Blair Esqre., has distributed and apprenticed out the negroes in question, with the reservation, however, to reclaim them if it should be so ordered.

This is the ship that arrived in so wretched a state (as I have mentioned in a former dispatch) with the small pox on board, and when above fifty of the Africans had perished in the short voyage from Mozambique.

I have only to add that the proceedings which led to her condemnation in the Vice Admiralty Court (over which I have not the smallest control) were instituted by Captain Warren of His Majesty's Ship *President*, and without my knowledge, but as this vessel was at anchor in Table Bay, and had been boarded, and it may be said taken possession of, under the Batteries, by the Port Captain, if the condemnation holds good, I have laid my claim before the Lords of the Treasury for that share of the bounty allotted to His Majesty's Governors, under the circumstances at issue, by Act of Parliament of the 47th of His Majesty's reign.

In respect to the concluding paragraph of the Extract of Lord Strangford's dispatch to Viscount Castlereagh, dated Rio Janeiro, 2nd May 1812:

"I have further to state, on the information of Mr. Charles Russell, chief clerk in the British Consular office at this place, that four more Portuguese ships under nearly the same circumstances as those of the *Restaurador*, were lately detained at the Cape, and without any trial were set at liberty on the payment by the masters of 2,000 dollars each. This matter appears to be highly worthy of investigation."

I have made every possible inquiry upon the subject, from every person that could be implicated in the transaction of so infamous a nature, and cannot discover the smallest foundation for the charge preferred. I have the honor to transmit copies of the letters that passed upon the examination between the Collector of the Customs and myself, and annex the return I desired of all the slave ships that have touched at the Cape for the last five years.

Duplicates of these papers I shall forward to Lord Strangford, with my request that his Lordship will question the several Masters concerned, and transmit to me all the information that can be gained from their personal investigation.

I also take the liberty to add the copy of my letter to Lord Strangford, and shall only observe that His Lordship would have conferred a favour upon me by giving me the same information on the subject as that he communicated to His Majesty's Secretary of State, and he might have relied upon the anxiety of a British Governor to expose and punish, if in his power, so base a transaction, and one so disgraceful to the British name. Exclusive of the propriety of the step, a direct communication to this Government would have given the advantage of promptitude to justice and reparation.

I shall also forward to his Lordship by the first opportunity a copy of the whole proceedings in the Vice Admiralty Court.

I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from the FISCAL DENYSSEN to SIR JOHN CRADOCK.

CAPE TOWN, 26th April 1813.

SIR,—I have the honor to acknowledge the receipt of your Excellency's letter of the 20th instant, by which I am honored with your Excellency's flattering approbation of my sketch of the state of Slavery in this Colony, which however I am fearful is in many respects deficient and imperfect. Your Excellency at the same time having signified your desire that I should add thereto my opinions respecting the credibility of the evidence of slaves, I shall endeavour to comply therewith to the best of my power.

I must however acknowledge in treating on this point I have met with difficulties which I scarcely found in any part of my state of slavery.

In deciding on the credibility of the evidence of slaves, the Roman Law, on the grounds of what I remarked in my statement § 1, 2, and 3, is observed here, with exception however with the torture; and if in the criminal prosecution carried on here from time to time great contrariety of opinions may be met with on this point, such difference of opinion is more to be ascribed to the

uncertain exposition of the Roman Law, than to the uncertainty whether the Roman Law should be observed or not, with respect to the admission of the evidence of slaves.

Taking therefore the Roman Law as the basis of my position, I shall take the liberty, in the same manner as in my state of slavery, to submit the following paragraphs to Your Excellency's wise and enlightened judgment.

1. Slaves are considered in law as ineligible to give credible evidence, because that they being the instruments of another's will, the want of their personal freedom renders them incapable of giving a free and independent evidence.

Lib. 22 Pand. Tit. 5,
Lex 6.

2. Still however they are admitted as witnesses, if a case cannot be proved in any other manner than by the evidence of slaves, provided that the same be not for or against their masters, or those under whose control they stand.

Lib. 22 Pand. Tit. 5,
Lex 7.

3. No slave may give evidence against his owner.

Lib. 22 Pand. Tit. 5,
Lex 24.

Lib. 48 Pand. Tit. 18, Lex 18, par. 7. Lib. 4 Cod. Tit. 20, Lex. 8. Lib. 9 Cod. Tit. 40, Lex 6.

4. In like manner slaves may not give evidence against those who, altho' not their owner, exercise the authority of master over them.

Lib. 9 Cod. Tit. 40,
Lex 2.

5. Slaves may not either give evidence against the former masters.

Lib. 48 Pand. Tit. 18,
Lex 1, par. 8; Lex 11,

Lex 15, par. 2, Lex 18, par. 6. Lib. 9 Cod. Tit. 40, Lex 14.

6. Although the law does not allow recourse to the evidence of slaves against their masters, still however there are exceptions to this general rule, when the importance of discovery renders it necessary to leave it to the prudent consideration of wise and experienced judges, to avail themselves of such evidence in order to discover the truth.

Lib. 9 Cod. Tit. 8, Lex
7, par. 1 and Lex 8,
par. 1.

Lib. 9 Cod. Tit. 40,
Lex 1.

7. To these exceptions belongs that in cases where a master is accused of the crime of high treason, adultery, or defrauding of Government's revenue, slaves may give evidence against their masters.

8. Also in cases of married persons where the one is accused of an attempt against the life of the other, the house slaves who were at home at the time of the crime must all be heard.

Lib. 9 Cod. Tit. 16,
Lex 9.

9. Also in the case of joint owners of one or more slaves, when the one is accused of having killed the other, in which case the slave or slaves belonging to both jointly can be heard.

Lib. 9 Cod. Tit. 41,
Lex 13.
Lib. 48 Pand. Tit. 18,
Lex 17, par. 2 in fine.

10. The usages of the present day likewise include in those exceptions to the general rule the case where a master is accused of atrocious cruelty to his slave, in which case the slaves who were present at the ill usage are generally examined.

11. Also when a person is apprehensive of being accused of any crime and purchases a slave with an intention to prevent his giving evidence against him, such slaves can notwithstanding be heard against the purchaser, provided however the purchase money be previously reimbursed him.

Pauli sententia, Lib. 5,
Tit. 14, par. 17.

12. Finally a slave who was not the property of the accused person at the commencement of the charge, but afterwards, can notwithstanding give evidence against him.

Lib. 48 Pand. Tit. 18,
Lex 1, par. 14.

See the above-mentioned
laws and more especially
Lib. 4 Cod. Tit. 20, Lex
8, and Lib. 9 Cod.
Tit. 40, Lex 6.

See Pand. Tit. 18, Lex
17, par. 2.

Lib. 4 Cod. Tit. 20,
Lex 8 in fine.

Lib. 9 Cod. Tit. 41,
Lex 12 and Lex 13.

13. As little as slaves may not regularly give evidence *against* their masters, just as little may they do so for their masters; still however the advantage which the Roman Law has attached to the right of defence, seems to have occasioned that the evidence of slaves for their masters is more readily admitted than that of slaves *against* their masters.

14. When slaves give evidence of themselves, they are not considered as witnesses for or against their masters.

15. In consequence of this observation in cases of dispute respecting the property of a slave, the slave may declare whose property he is.

16. In like manner when there is a question about the

annulling of the purchase or sale of a slave who has run away from the buyer, the slave may give evidence whether he had run away from the seller.

Lib. 21 Pand. Tit. 1,
Lex 58 par. 2. Lib. 22
Pand. Tit. 3, Lex 7.

17. The manner of the Romans to force evidence from slaves by means of the torture being at present totally abolished, still however with respect to the manner of giving evidence by slaves there is still to be observed that it should always be done by answers to interrogations to be administered to slaves for that purpose.

See almost every law
above cited.

18. Respecting the manner of examination, the Roman Law has enacted this prudent prescription, that one must not specially ask if *Lucius Titus committed the murder*, but generally who committed the murder; because that the former would more resemble a suggestion than an examination.

Lib. 48 Pand. Tit. 18,
Lex 1, par. 21.

19. The examination of slaves as evidence cannot be proceeded to before that the accused person labours under grounded suspicions and before that the charge is brought to that degree of probability that nothing further appears to be wanting to a complete proof than the evidence of slaves.

Lib. 48 Pand. Tit. 18,
Lex 1, par. 1.
Lib. 9 Cod. Tit. 22,
Lex 17 and Tit. 41,
Lex 3.

20. It is also prescribed in the Roman Law that slaves who are called upon to give evidence against their owners should after their examination, whether they had declared in favor of or against their masters, be forfeited on behalf of Government, in order that they might not be restrained either by hope or fear from speaking the truth. The same is also prescribed by the Roman Law with respect to the slaves of accusers in case they may be called upon to give evidence against the accused party, in order that the authority of their masters may not influence their evidence.

Lib. 48 Pand. Tit. 5,
Lex 27, par. 11, 12,
and 13.

Lib. 48 Pand. Tit. 5,
Lex 27, par. 14.

This law however is not observed at the present day, but slaves who are obliged to depose against their masters, when the Court deems it necessary for the interest of the slaves, and for the prevention of the consequences of revenge in the masters, are publicly sold to the highest bidder, on express condition of never

again coming under the power of those against whom they deposed or any of their relations.

21. The evidence of slaves given agreeably to the abovementioned prescriptions for the suppletion of deficiency of proof, which cannot be obtained through the want of other evidence, stands in point of credibility on the same footing as the evidence of free persons.

22. Those depositions must be revised, that is read a second time to the witnesses in presence of the accused party, after which it is sworn to agreeably to the religious principles of the witnesses, otherwise such evidence is not considered as given *in forma probanti*.

23. Witnesses however who are not Christians or Jews are not allowed to make oath to their depositions conformably to their principles of Religion should they have any, the consequence of which is that almost all the evidence of slaves is not given in *forma probanti*.

24. Notwithstanding this however the evidence of slaves and other persons not Christians or Jews is admitted, and so much belief attached thereto as the Court may deem proper from the concurrence of the same with the remaining proofs.

25. From what has been laid down in § 21 it follows that the evidence of slaves is liable to the same objections as that of free persons.

26. For the rest, the decision on the credibility of the evidence of slaves depends much on the prudence of wise and experienced judges, by whom the moral conduct of the slaves, the nature of their evidence, the reason of their knowledge, the similarity or dissimilarity of their evidence to the other proofs, their steadiness or unsteadiness, their interest or disinterestedness, their seriousness or inconsiderateness, and all other circumstances which could have any weight on the mind of the judges must be taken into consideration.

Lib. 22 Pand. 25, Lex 3.
Principles, par. 1 and
par. 2, Lex 21, par. 3.

I herewith conclude my observation on the credibility of the evidence of slaves, to which I have nothing further to add than to request your Excellency's indulgent judgment of the deficiencies and inaccuracies which Your Excellency may discover in them.

I have etc.

(Signed) D. DENYSSEN.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., *to* HENRY
ALEXANDER, ESQRE.

DOWNING STREET, 29th April 1813.

SIR,—I am directed by Lord Bathurst to acknowledge the receipt of your letter dated the 31st of October last, and to acquaint you that his Lordship approves of your determination, under the circumstances of the case, not to allow Mr. Pelligrini to purchase immoveables and acquire a settlement at the Cape. As long however as his conduct appears to be inoffensive, Lord Bathurst sees no objection to his residing there. I am &c.

(Signed) HENRY GOULBURN.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, May 3rd 1813.

MY LORD,—I have the honor to submit to His Majesty's Government the case of Gerrit Renneken, a Dutch Inhabitant of this Colony, a boy of fourteen years of age, sentenced to death for the wilful murder of a Hottentot of about the same age and his companion.

By my Commission I am precluded from exercising my own judgment upon criminal proceedings, where the prisoner is adjudged to die for wilful murder, which prohibition affords me the more satisfaction in this instance, now transmitted to your Lordship's consideration, as the extension of mercy that I should feel myself justified in granting to him under all the circumstances of alleviation brought to view, in some measure interrupts the course I had firmly resolved to pursue upon all cases where the life of a Hottentot or slave had been sacrificed by those superior classes in this Colony who feel and assume such a distinction.

It is my intention very shortly to bring all this subject before His Majesty's Government, not only as to some facts that have taken place, but as to the very imperfect state of the laws that are allowed to prevail, and which entirely defeat the impartial dispensation of justice; and I have, as yet, awaited the proper

moment to do away distinction, and make the example so much required.

But in the case now laid before His Majesty, when the extreme youth of the criminal is considered, also the much suspected weakness of his intellect, and the total want of all light of education, with the persuasion that there could not be any malice prepense of strong character, I do not think I could proceed, were I even unrestricted, to the utmost severity of the law.

At the same time the very marked indifference with which the youth viewed the loss of a Hottentot's life brings back the whole argument upon the necessity of example, and renders the extension of mercy unsatisfactory.

I have also the honor to represent to your Lordship that it is not the practice here in judicial proceedings for the Court or Judge to offer any recommendation, but on the contrary the whole feeling of that nature is left to arise with the Executive power; however the solicitude of the Court of Justice, I know, is very great in favor of this young man, and they have indirectly signified their recommendation as strongly as they can do this, by the annexed special submission of the sentence.

I should have thought it my duty to have transmitted to your Lordship the entire proceedings of the Court, but those annexed are very detailed, and contain a faithful and undoubted view of the whole transaction.

Though the present subject was not one in appeal, for my own satisfaction I consulted my assessors, Henry Alexander Esq., Colonial Secretary, and George Kekewich Esq., Judge of His Majesty's Vice Admiralty Court, and have the honor to add their respective opinions.

I also annex a very affecting address from the father of the prisoner. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *May 6th 1813.*

MY LORD,—In pursuance of your Lordship's Instructions relative to American prize property detained in this Port, I have

taken such measures as were in my power to fulfil them. But considerable embarrassment and difficulty have arisen from the want of all correspondent directions to Mr. Cadogan, the gentleman constituted agent by the Commissioners, and from the non-arrival of orders to the Vice Admiralty Court to proceed to the condemnation of the vessels in question.

As some difference of opinion upon the construction of the orders received prevailed among the several persons concerned, I take the liberty to transmit the whole correspondence that has passed, that in any event of loss or injury to the property, the exact state of the case may appear.

The want of proper authority on the part of the Vice Admiralty Court to proceed to condemnation is the circumstance that presses most, for taking into consideration the state of the vessels, the long time the cargoes have been on board (in some instances upon their arrival in a doubtful condition), the approach of the winter season, and the necessary removal of all ships from Table to Simon's Bay, it has been judged absolutely required to unload the merchandise and place it in a state of safety on shore.

Your Lordship will observe by the correspondence that I directed His Majesty's Collector to take charge of the vessels in the first instance, according to the plain letter of the instructions, and afterwards proceed as His Majesty's Procurator General might advise, for the due preservation of His Majesty's rights and property. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *May 7th* 1813.

MY LORD,—I have the honor to forward to your Lordship the Returns of Imports and Exports from the Cape of Good Hope during the year 1812, prepared by Charles Blair, Esq., His Majesty's Collector of the Customs.

I take this opportunity to acquaint your Lordship that all your Lordship's dispatches to Number Eleven inclusive have reached me, with the exception of No. 6. It is imagined that many

letters &c. were on board His Majesty's ship *Java* and the *Snake* packet, which vessels, to our great surprise, have not yet made their appearance. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *May 10th* 1813.

MY LORD,—Upon the further consideration of that part of your Lordship's despatch of the 30th November 1812 relative to the building of a church at Simonstown, I have now the honor to transmit an estimate of the expense and some other particulars.

In furtherance also of your Lordship's instructions I shall do all in my power to procure some place where divine worship can be performed, but I am not at all sanguine in the expectation that any temporary building can be found, that will answer the purpose in that decent and satisfactory manner which the general circumstances of the port require.

I trust, my Lord, that you will admit the assurance that I enter fully into all your Lordship's reasoning upon the expenditure of this Colony, and that I will faithfully obey the whole spirit of your instructions; but there are some points of improvement that appear so necessary, and so required for the credit of the English Government, that if it be practicable, without having recourse to the British treasury, I shall think it my duty to execute them.

In respect to the Church at Simonstown, it is indeed indispensably necessary; and at present that the whole naval Establishment is to be removed from Table Bay to Simons Town, it does not seem possible to longer delay the adoption of this measure.

In these days, when so much affected propriety and decorum are added to the more genuine feelings of real piety and religion, which latter indeed prevail to an extent hitherto unknown, I quite dread the scandal that this Settlement will be exposed to upon the constant arrival of fleets and strangers in Simons Bay, and when it is discovered that a religious establishment has not met due consideration.

If I receive permission to execute this work, though I take the liberty to recommend for the honor of the English Government that the whole establishment should be purely British, yet it is my intention to allow the numerous Dutch inhabitants to partake of the benefit of the institution, and repay in some shape the use of their churches at Cape Town and elsewhere, for we are altogether dependent upon their ecclesiastical establishments, and although the participation allowed is in most respects cheerfully accorded, yet it always proceeds as a favor from the Dutch Clergymen.

The water works for the health and convenience of this large Town, as projected and entered upon by the Earl of Caledon, my predecessor, will consume the greater part of the sum allotted for the erection of Civil Buildings, and as the repayment of this expense must be protracted for many years, I am compelled to request that the charges for the Church at Simons Town may be defrayed by the British Treasury, and that this Government may be permitted to draw for the amount from time to time. If it be practicable to avoid this measure by any means that can be devised, or by the exercise of the most rigid economy in the prosecution of the work, your Lordship may depend upon the most scrupulous attention.

I cannot omit the mention of the want of an Infirmary and Lunatic Asylum in this Town. The former has never been considered, because, as the mass of inhabitants were slaves, the masters were bound to take care of them under all circumstances; but it may be well imagined that this duty has not been fulfilled as it ought, and besides there are objects who present themselves every day, that are thrown upon the casual assistance of the Colonial Government.

In regard to the unfortunate lunatics, their situation has been truly deplorable. They are either disposed of in prison or among the convicts at Robben Island, and abandoned to their wretched fate. It appears to be absolutely required to act in this case, and secure for them some comfortable abode.

But the attainment of these objects must produce a heavy expense, if the Colony is to remain with England. The price of labor and all materials is excessive, and I believe there is no part of the world where building of every description is at so high a rate.

What adds at this time to every charge is the unprecedented freight and exchange, which however unfavorable to every transaction in this Colony, and presses so heavily upon the Colonial Service, yet reduces to a great extent the expence against the British Treasury, and seems to afford permission to request assistance from that quarter. I have &c.

(Signed) J. F. CRADOCK.

[Enclosure A in the above.]

*Extract from a letter from MR. SCHUTTE to the Colonial Office,
dated 10th December 1812.*

As likewise plan of the church to be erected at Simons Town agreeable to the desire of His Excellency, upon which the undersigned further takes the liberty of proposing to Government the best plan to be adopted for erecting the same, which would be in the following manner.

That Government will be pleased to furnish the following materials and workmen.

1. 30 soldiers with the necessary tools to level the ground and dig the foundations, as likewise to bring the materials.

2. All the timber, lime, shells, flags, and stones.

3. That all the other materials which will be furnished by the undersigned be transported thither by Government, amounting to a sum of 20,000 Rixdols.

That the undersigned will further provide all the necessary materials required, as likewise the clocks and bells for the steeple, for a sum of 36,000 Rixdols. Total 56,000 Rds.

Another list of materials which Government will furnish will be given.

If the above is satisfactory the same might be undertaken on the 4th January 1813, or when Government pleases.

[Enclosure B in the above.]

Upon the most moderate and economical plan, a church capable of containing from five to six hundred persons could not be completed in a place so isolated as Simon's Town under 86,000 Rixdollars or £17,200 currency. This calculation is founded upon a

document herewith enclosed, and by which it will be found that leaving the Government the expense of providing the Timber, Lime, Shells, Flags, and Stones, together with the labour of 30 soldiers for a certain period, a sum of 56,000 Rixdollars or £11,200 currency is required.

At the lowest computation of the expense to which Government will be subject in supplying the Materials above specified, there will be required a sum of 30,000 Rixdollars or £6,000 currency, making a total of 86,000 Rixdollars or £17,200.

If I may be honored with permission to undertake this work and to draw upon His Majesty's Treasury for the above sum, a great advantage will arise from the exchange.

(Signed) J. F. CRADOCK.

[Original.]

Letter from H. HAMILTON, ESQRE., to HENRY GOULBURN, ESQRE.

FOREIGN OFFICE, *May 10th* 1813.

SIR,—I am directed by Viscount Castlereagh to transmit to you for the information of Earl Bathurst the enclosed extract from a Dispatch from His Majesty's Minister at Rio Janeiro, shewing the Inexpediency of not allowing Slave Ships from the Coast of Africa to water, on their passage to the Brazils, at the Cape of Good Hope. I am &c.

(Signed) H. HAMILTON.

[Enclosure in the above.]

Extract of a Dispatch from His Majesty's Minister at Rio Janeiro to VISCOUNT CASTLEREAGH, dated February 15th, 1813.

“I hope that your Lordship will excuse the freedom which I take in suggesting that there seems reason to fear that the measure of prohibiting supplies of water from being granted at His Majesty's Settlements to Slave Ships touching there is very likely to do more harm than good to those Interests of Humanity on behalf of which it was most undoubtedly adopted.

“The Portuguese Slave Merchants are at present so eager to carry on this Trade, in consequence of the increased profit with

which it is now attended (owing to the difficulty of importation) that they are determined to run all risks for the sake of reaching the Ports of Brazil, without any consideration for the wants of the unfortunate Beings who are conveyed in their vessels.

“A dreadful proof in support of this opinion has just occurred. A Slave Ship, the *Aguia Roxa*, having two hundred and thirty-eight Africans on board, touched at the Cape of Good Hope in company with another vessel of the same description, both of them in great distress for water, a supply of which was refused to them. One of these ships was, during her stay in the Roads, detained by order of the Government at the Cape (I know not on what ground), and the other immediately put to sea, having only a sufficiency of water for five days. She arrived here yesterday, having lost during her passage from the Cape two hundred and seven of the unhappy wretches whom she had on board.”

[Office Copy.]

Letter from LORD BATHURST *to* SIR JOHN CRADOCK.

DOWNING STREET, 21st May 1813.

SIR,—The Revd. Mr. Hough having been strongly recommended to me as a proper person to fill the situation of Chaplain at Simons Town, I have accordingly appointed him to go out for that purpose. My despatch of the 30th November last will have fixed the salary of this office at £300, which I have under the circumstances of his case thought it right to acquaint him should commence from the first of that month. The sum of £150 has already been advanced to him by my desire by Mr. Courtenay. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LIEUTENANT COLONEL GRAHAM *to*
HENRY ALEXANDER, ESQRE.

BALGOWAN, PERTH, 21st May 1813.

MY DEAR SIR,—The augmentation of Zuurveld population is an object I have never lost sight of, and I am of opinion that if the

matter is properly managed, a race of People may be procured for the occupation of that part of the Settlement, which will prove a most valuable acquisition to the Colony at large,—I mean Highlanders.

I never perfectly understood the real, and unavoidable causes of emigration from the Highlands until lately that I read a very excellent publication of Lord Selkirk upon that subject. As you may not be acquainted with the contents of that Pamphlet, and my idea of obtaining a Body of Highlanders for the Cape being much strengthened by its perusal, I give you a short sketch of the grounds upon which my opinion is founded, of the propriety and possibility of accomplishing so desirable an end.

You are aware that, ever since the Rebellion in 1745, the charms of clanship have been gradually drawing to their final dissolution. In proportion to the downfall of that system, have the ancient prejudices of the Highland Proprietors been removed, and the prospect of their real interests opened to their view. Many of those Proprietors have hitherto from various causes refrained from dispossessing their old adherents, but from motives of tenderness towards them submitted to considerable evident loss; a change has thus been retarded, but these causes are now so much enfeebled as scarcely any longer to have a perceptible effect, and as an unavoidable consequence the Highlands are fast falling into that state which is most conducive to the pecuniary interest of its individual Proprietors. In that part of the country the most profitable employment of land has been universally found to be in rearing young cattle and sheep. So rapid has been the increase of graziers that they have even some years since entered into competition with each other, and given Rents as fully proportionate to the value of the land as in any other part of the Kingdom. The grazing system has been making rapid and continued progress, and ever since its introduction the competition with which the old occupiers had in its commencement to contend, has long since risen to a pitch which they could not possibly resist, and the conclusion is inevitable that as current leases expire, the whole, or nearly so, of this body of People must be dispersed.

The Cotters are in general not more likely to hold their place, because a much smaller proportion is required to perform the work upon the present extended scale of farms, than under the

old system, when each individual's personal agricultural labours were the chief, and in most cases the sole, support of his family. All this class have been hitherto enabled to do so by possessing land at a rate below its value; the new system however causes them to become a burthen to which proprietors can no longer submit, consequently a great part of the present Inhabitants must seek for means of livelihood totally different from that on which they have formerly depended. To such two different courses present themselves: Labour in the Low Country and Manufacturing Towns, or Emigration to America.

A Highlander having once resolved to quit the country he holds so dear, it matters little to him what part of the world he goes to settle in, but the prospect of perhaps ultimately becoming the possessor of a bit of land (without which he thinks there is no happiness on earth, for so long have their little farms been transmitted from father to son that they consider them their own) holds out temptations which generally operate as an inducement to adopt the latter plan, in preference to maintaining his family in a manner to him the most irksome, from its being the line of life the most opposite to that he has ever been accustomed to lead. From his infancy he is taught to hold a sedentary life in contempt, and accustomed to consider himself as in the rank of a farmer, he feels it degrading to become a day labourer. On the contrary the prospect of holding his land on a permanent tenure, instead of a temporary, precarious, and dependent possession, are motives which operate with a peculiar degree of force on the proud mind of a Highlander.

Thus far I have thought it proper to quote Lord Selkirk's book, with a view of shewing the true cause of emigration from the Highlands to America. Were the Cape equally well known to them, and the voyage equally cheap, I do not at all doubt they would prefer it. If His Excellency is inclined that a trial should be made, I have no doubt that every man desirous of emigrating from the County of Sutherland at least, will go to the Cape, provided proper measures are adopted to encourage them to do so, and I beg to propose the following:—

First, a Highlander very naturally gives more credit to, and prefers receiving information from, his relation in the same rank of life as himself than any other person whatever. Previous to determining upon removal to a foreign part he must be made as

perfectly acquainted with every circumstance relative to the soil, climate, nature, and extent of produce, &c., of the Country, as a written description of it can make him. He must also have a detailed statement of the precise terms on which he is to hold his land, its extent, rent, what stock and implements of husbandry will be given him as an encouragement, &c., &c.

I beg to propose then that a few good trusty men (and of all things popular characters) of the 93rd Regiment should be furnished with detailed and authenticated statements of all matters above alluded to, and with these documents in their possession sent to the Frontier to Capt. Fraser (who is himself a Sutherland man and most popular), and then let them make their report to their friends at home. Could a few old men be discharged on condition of their settling out there, they would doubtless use every endeavour to induce their friends to join them.

It must not be forgotten that the scanty means of these poor People are quite inadequate to enable them to undertake the voyage at their own expense. If the attempt is made, however few are at first transported, they ought to be placed on the spot allotted to them free of any expense whatever. To render the measure popular, its commencement must be marked by liberality, and be the expense what it may, the temporary sacrifice will surely be most fully compensated by the ultimate advantages the measure will produce to the Settlement.

I think it necessary to caution you to be much on your guard in communicating this subject, because I know there are many officers who, from various illiberal motives proceeding from their ignorance of the real state of their country (Highlands) or mistaken motives of tenderness towards their countrymen, would use every endeavour to thwart the measure, and perhaps go further than one would choose to say, and they and their friends at home have much in their power. Upon the subject of the opposition to emigration, so generally evinced by the Highland Gentlemen, some of whom have endeavoured to obtain the interference of Government for its prevention upon grounds equally selfish and ridiculous, Lord Selkirk justly remarks: "If the subject deserves the interference of the legislature, it is no more than justice that among the interests that are to be consulted, that of the Highland Proprietors ought to be the last of all. They have no right to complain of a change which is their own work, the necessary

result of the mode in which they choose to employ their property. Claiming a right to use their lands as they see fit, and most for their own advantage, can they deny their Tenantry an equal right to carry their capital and their labour to the best market they can find?"

In short that emigration will continue to take place until the superabundant population arising from the new system of management is drained off will not admit of contradiction. And from the circumstance of Lord Selkirk (actuated by motives of humanity) having obtained the sanction of Government to transport a body of Highlanders to Prince Edward's Island in consequence of his communicating to them the incontrovertible facts stated in his Pamphlet, I do not foresee that any objections would be raised against conveying a number of them to the Cape.

I wrote to Col. Bird a short time since to beg he would endeavour to ascertain how far an application to this effect to Ministers is likely to succeed. At all events previous to my leaving this country I shall endeavour to gain every information upon this subject. Hitherto almost constant indisposition alone has prevented me from going North for that purpose. I believe I have a good deal to say with the Sutherland People, and shall try to obtain a promise from such as are inclined to emigrate to wait the result of these proposals. Should His Excellency consider the matter expedient, as my departure for the Cape must shortly take place it would be necessary to appoint some person as agent to make the necessary arrangements in this country, and no time ought to be lost. Ensign Hugh Fraser, Cape Regiment, (a Sutherland man) is one of the fittest people I know. Capt. Fraser could not be spared. I have written to the latter that you will communicate with him on this subject. I always am &c.

(Signed) JOHN GRAHAM.

[Copy.]

Letter from MAJOR GENERAL MEADE to COLONEL TORRENS.

CLIFFORD STREET, 24th May 1813.

SIR,—Since I had the honor of addressing you on the 16th of last March, in consequence of the many and continued disappoint-

ments I had met with in endeavouring to proceed to the Lieutenant Government His Majesty had been graciously pleased to appoint me, and requesting that the Government might be moved to desire of the East India Company that one of their ships might be permitted to touch at the Cape of Good Hope, for the purpose of carrying myself and family, not only such accommodation has been refused, but I have experienced since that another disappointment, by the Transport Board having appropriated to a different service a large ship called the *Windham*, which had been destined for the Cape, and appointed for three weeks to receive my family, and the only offer of accommodation in lieu thereof was what would have been considered insufficient for a subaltern's family, and for that a notice only of three days to be on board was given me; I have however just been informed that the *Stag* frigate, destined to the Cape Station, is to sail with the East India Fleet now at Spithead, and beg leave to humbly represent to His Royal Highness the Commander in Chief, that if she was directed to receive my family on board, I would make every possible exertion to get them to Portsmouth in time to avail myself of the opportunity, of which I am the more particularly anxious, as by the last accounts from Sir John Cradock, he was most desirous of my presence to enable him to make a tour of the Settlement, which he considered of great consequence, but did not wish to leave the seat of government before my arrival, which he trusted would not be later than the month of August, and really without the interference of His Royal Highness from the many obstacles that have been constantly opposed to me, I shall despair of ever being able to accomplish the means of proceeding. I have etc.

(Signed) ROBT. MEADE, Major General and
Lieutenant Governor of the Cape of Good Hope.

[Original.]

*Letter from His Royal Highness the Commander in Chief
to LORD BATHURST.*

HORSE GUARDS, 25th May 1813.

MY LORD,—I am under the necessity of bringing to Your Lordship's immediate notice the situation in which Major General

Meade is placed by the continued disappointment which has attended his views to a passage to the Cape of Good Hope.

In my last communication to Your Lordship upon this subject, I represented the injury which the public service sustained by the detention of Major General Meade from his staff situation and lieutenant government, and recent accounts from Sir John Cradock confirm the nature of this inconvenience, by stating that he is detained at the Seat of Government from important duties which call for his presence in the interior in daily expectation of the Major General's arrival.

I have therefore to request that Your Lordship will cause some arrangement to be adopted for the conveyance of Major General Meade and his family to the Cape of Good Hope, that may relieve the service, and himself individually, from the state of embarrassment under which he has been suffering for the last *twelve months*; and in bringing under Your Lordship's consideration the suggestion contained in the enclosed letter from the Major General relative to his accommodation in His Majesty's ship the *Stag*, I cannot withhold my complaint of the little respect and consideration towards the pretensions and personal convenience of an officer of his high rank in the service, which have been manifested by the proposed arrangements of the Transport Board for his accommodation. I am etc.

(Signed) FREDERICK, Commander in Chief.

[Copy.]

Memorandum by SIR JOHN CRADOCK upon Local Taxation.

It has always appeared to me that the Local Taxation throughout the several districts, and also in Cape Town, upon the discretion and simple operation of the Magistrates, was defective, and by no means had the proper Force of Law, which alone can produce cheerfulness, or even resignation, upon a circumstance in its nature always liable to irritation and dispute.

If my opinion be correct, the regular taxes of Government and those minor assessments in the districts are upon a widely different foundation; the former alone take place upon general principles,

equally apply to all, are examined and well understood by Government and its confidential advisers, and after the most minute and scrupulous consideration are promulgated to the public with all the virtue and powers of a Proclamation, the avowed and acknowledged Law of this Colony. The latter, though alike partaking of the painful and odious nature of taxation and privation of a man's property, are viewed in an inferior light, and are too much left to the fancy and will of the Magistrates, who must be persons of very rare qualifications and character if they escape the insinuations or charges of partiality and undue influence.

The Government, from its composition, cannot be exposed to any such suspicions, and my present object will be to so establish every species of taxation, be it great or small, as to make the body of the people feel that every assessment has undergone the most minute investigation of the highest Government, and that its proportions have been as much considered and weighed as the imposition itself.

When I propose that Mr. Alexander, the Chief Justice, and His Majesty's Fiscal should form a Committee to take this most important and vital subject into the most enlarged consideration, and that I request to confide to them the practical measures it will be necessary to adopt, it must seem superfluous to offer suggestions of detail; and all that I shall press is that while we naturally pursue the advice of the Local Magistrates as to the objects of taxation in their respective districts, and that we call from them for the proportions best suited to the circumstances of individuals, yet that the actual imposition do not take place without the special authority of Government, and that it receive the force of law.

It is not upon light grounds that I deliver these sentiments, and experience confirms the entire necessity of the objects I have in view.

(Signed) J. F. CRADOCK.

26th May 1813.

[Copy.]

Letter from the REVEREND ROBERT JONES *to* SIR JOHN CRADOCK.

CAPE TOWN, 26th May 1813.

SIR,—As I have now finally resolved to return to England as soon as I am relieved by the arrival of a Military Chaplain, I think it proper to give Your Excellency this early and official intimation of my design. I remain &c.

(Signed) ROBERT JONES, Colonial and Acting
Military Chaplain.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, May 28th 1813.

MY LORD,—I have lately received official information from the Revd. R. Jones, Colonial Chaplain, as per annexed letter, that it is his intention to return to England upon the arrival of a Military Chaplain, whose duties since the departure of Mr. Parker he has performed.

I cannot say when this event may take place, but it appears to me so absolutely necessary that the Ecclesiastical Duties in the Civil as well as the Military line should experience no neglect, that I conceive it proper to apprise your Lordship as early as possible of Mr. Jones' resolution, and to request that your Lordship will have the goodness to select some clergyman of known character for piety and learning for this very important station. It becomes every day of the greater consequence from the religious spirit that prevails, and which perhaps more wants a proper direction than even encouragement.

It would be injustice to the clerical merits of Mr. Jones if I did not warmly bring to your Lordship's notice the exertions he has uniformly pursued to amend everything connected with the Ecclesiastical Establishments; and I may in a considerable degree attribute to his talent and example the progress religious

sentiment has made in this Colony, and the solid foundation upon which it seems to rest.

This view makes me the more solicitous for a proper successor, who will prevent decay in what appears so much to flourish at this moment. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Memorial of the Moravian Missionaries.

To His Excellency Lieutenant General Sir John Francis Cradock,
K.B., Governor and Commander in Chief of the Cape of Good
Hope, &c., &c.

The humble Memorial of the Missionaries established at Genadendal, in the Drostdy of Swellendam, respectfully sheweth :—

That when first their Missionary Establishment for the instruction and conversion of the poor Hottentots was formed at Baviaans Kloof (now Genadendal), the place granted to and occupied by their missionaries and their people was much more extensive than it is at present, affording sufficient and wholesome pasturage both in Summer and Winter for the cattle of the settlers, their principal means of subsistence at that time; that notwithstanding several lots of ground were successively separated from the original grant (in one instance by agreement) the Hottentots living at Genadendal still found it easy to earn as much corn as they wanted for their consumption by working at the neighbouring farms, the price of corn then being extremely low.

That now however as the price of everything they stand in need of is so much higher, and their number beyond what can find employment, it becomes extremely desirable that they should sow their own ground and have more room for their cattle. That whilst the Hottentot Congregation at Genadendal by the Divine Blessing is constantly encreasing, and at the same time calls for a greater number of missionaries, the insufficiency of the means of providing for themselves and their Christian people by their own industry and labour obliges the missionaries to occasion much more expence to the church to which they belong and by

which they are supported, than they wish, and renders the state of the whole establishment at Genadendal rather precarious.

Wherefore the Brethren residing at that place, encouraged by Your Excellency's benevolent and paternal care for this Institution, manifested at Your Excellency's last visit, take the liberty most respectfully to request that Your Excellency may be graciously pleased to grant to the Missionary Establishment at Genadendal an additional loan place, fit for cultivation and for the keeping of cattle, praying at the same time that such place may be selected for them by Your Excellency's commands, as much in the vicinity of the establishment as possible. And Your Excellency's humble Memorialists as in duty bound shall ever pray, etc.

(Signed) J. A. KUSTER, Missionary at Genadendal.

GENADENDAL, *June 7th* 1813.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *June 10th* 1813.

MY LORD,—Since my dispatch of the 27th May, which conveyed to your Lordship the official intimation of the intention of the Revd. R. Jones, Colonial Chaplain, to return to England upon the arrival of a Military Chaplain, I have reason to believe that it is his wish not to resign his situation, but to be left at liberty to act as his private affairs may require.

The same sentiments that induced me to make the most favorable representation in my power to your Lordship of the zeal and eminent qualifications of Mr. Jones throughout his clerical duties impel me to request that my last letter may be withdrawn, and that your Lordship will not take the trouble to select a successor.

The Colony has so just reason to be satisfied with the exertions of Mr. Jones that I cannot but warmly urge, on their part, his continuance in his present station. I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

*Letter from HENRY ALEXANDER, ESQRE., to the
LANDDROST OF SWELLENDAM.*

SECRETARY'S OFFICE, *June 10th 1813.*

SIR,—By direction of his Excellency the Governor I send you an extract of a letter from Mr. P. L. Cloete, and am directed by his Excellency to inform you he considers it essential that the assertions therein contained should be replied to. I have &c.

(Signed) HENRY ALEXANDER.

[Enclosure in the above.]

*Extract from a Letter of MR. P. L. CLOETE to SIR JOHN
CRADOCK, dated the 3rd June 1813.*

And that I have also reason to believe, that the several magistrates, and especially those of the districts of Stellenbosch and Swellendam, have collected, as if it was for the Caffre commando, more than the sum fixed by the said Proclamation.

[Copy.]

Memorandum upon Land Tenures by SIR JOHN CRADOCK.

June 14th 1813.

Having received the annexed reply from His Majesty's Ministers in answer to the very enlarged and detailed dispatch of the 4th March 1812 from this Government relative to the Land Tenures of this Colony, it is now my duty to take this great subject into the most effectual consideration, and to enter upon a task the most important and difficult as to its present operation, and future consequences, the Local Government has yet had to accomplish.

His Majesty's Government does not appear to give any pointed commands which it could be my pleasure, as well as bounden duty, to adhere to in the closest degree; but with a general approbation of the sentiments I had the honor to submit to them

I seem empowered to pursue the principle laid down, under such modification or change as my greater knowledge and experience may suggest, only confirming the essential condition, under existing circumstances, that the permanent interests of the Colony and the Crown, in whatever hands the Sovereign Power may eventually be placed, should be advanced and secured on grounds indisputable.

This great rule of action will not only give protection to the result of the whole proceedings, but will also make the course more easy and expeditious, as divesting it of every other consideration but that of the public good.

The circumstances of this Colony in the local qualities of the soil are so extraordinarily peculiar to itself that we can derive little aid from general reasoning or rules that apply to other Countries, and therefore in prosecuting the measures before us it appears to me that each application for land must be independently considered, and acted upon according to the very few principles that local knowledge and experience dictate.

This will make the work long and laborious, but we shall have the gratification to feel, if we have not decided upon sure grounds, at least we have done the best within our power.

It may be said, and I know that it is the opinion of some persons for whose judgment I have respect, that the whole object has a false foundation, and that it is not required to grant more land, but that it would be more suitable to the case to urge and extend the more vigorous cultivation of that which is already possessed.

I admit there is great apparent force in the observation, but exclusive of the ungraciousness, and in some cases the impolicy, or injustice, of refusing by one resolve above 3000 applications, without examination of their nature or merit, I am free to confess that the interests of the Revenue must be equally considered, and that it does not appear to me politic or justifiable under the limited resources of the Colony, to forbear from the increase of Public Income, without which all improvement must cease, and the Settlement remain at a stand.

A Revenue from the land is also the most desirable that can be established, and will give an assurance and security to the paper currency that no other species of pledge can maintain.

It may also be objected with considerable power that an im-

provident disposal of territory may arise, and that the future interests of the Crown and the succeeding generation will be endangered. Such reasoning has always interfered with the settlement of every new Country, but still has not materially operated, as is evident from the large estates in the possession of proprietors from immemorial time; but in alleviation of so just an apprehension it will be certainly necessary to act upon fixed principles upon this head, to impose upon ourselves any considerable restrictions, and not overlook any circumstance that will duly guard the full claims of posterity.

Except in some instances that may arise, but at this moment are not foreseen, the general mode of grant will be that of quit rent upon perpetuity, by which it is intended to give to the proprietor every real advantage of Freehold and Title in Fee, but at the same time to secure to the Crown a proper dependence and to establish a permanent increase to the Revenue.

This subject has been so discussed in all preceding papers, and the incitement to industry, the safe disposal of capital, and the advantages to a man with a family so enlarged upon, that it does not seem required to say more.

The point that will demand the most careful attention in the examination of the numerous applications before Government (an amount almost beyond belief) is to discover the real motives of the solicitor. If he be a man of exertion and industry, and his request proceed from a known want of land, or that it is found that his present possessions do not afford the due mixture of arable and pasture to constitute a proper Farm, or that his ground is of that nature, so common in this Colony, that he cannot continue his sheep and cattle throughout the year in the same place, but for their safety and prosperity must seek a wider range,—in such cases, or those of a similar cause, his claim is reasonable, and the petition should be granted; but if, as I fear, it will be proved to a great extent that the object is only to gain more ground that others should not come near him, that he may take the chance of everything that is good or desirable around him for the present and future time, and that he should preserve that solitariness, and consequent dominion, the leading principles of most farmers in this Colony, so contrary to reason, civilization, and all expectation of improvement,—if these motives appear from the reports of the Landdrosts, who should be specially instructed to all this effect,

in these instances the memorials should be invariably rejected, as unworthy of more consideration.

It appears to me necessary that a general letter explanatory of these principles should be immediately issued, and that the Landdrosts should be taught that in all their future reports the subject should take a more comprehensive view, and that the future interests of their districts, as well as the present objects of the Memorialists, should be zealously watched, and protected, for if Government now make an improvident surrender of territory through which a road should pass, or an "Outspan place" (of all others the most important consideration) ought to be established, a serious injury and a heavy expense may be entailed upon the succeeding generation. I request that Mr. Alexander will have the goodness to prepare the fundamental instruction.

All that has, or will be done by Government, will prove of little avail to the prosperity of this Colony, unless that great measure, contemplated by all my predecessors, as so incorporated with industry and the spirit of improvement, and which has even been upon the point of adoption by some, be now undertaken, I mean the substitution of a better tenure for that of the loan places.

It is quite superfluous to dwell upon the subject. Whatever has been expressed in all foregoing details bears upon this point, and as His Majesty's Government approves, if not directs, the principle to be pursued, I should only consult my ease, or freedom from labour, and not my judgment, or warm wishes for the welfare of this Colony, if I did not enter upon this pre-eminent undertaking.

I request therefore, anxiously, that Mr. Alexander will consider deeply this subject, and under his direction that His Majesty's law officers, the Chief Justice and the Fiscal, will prepare such a proclamation as will suit so extensive and delicate a transaction.

The two great principles will be : Benefit to the Individual and Advantage to the State. The whole proceeding is to take the course of invitation and attraction, and no resort is to be made to power or intimidation. Those who choose may accept the offer, and those who will not see their own interest and feel disinclined will remain as they are.

I confess there will be some difficulty in appropriate expression ; for while all these discreet, temperate, and soothing words and measures are and must be employed, still the absolute supremacy

of the Crown and the innate resumableness of these grants of loan tenures must be upheld, and as far as practicable brought to view and feeling.

The measure will probably startle at first sight, and as the offers of Government, I am sorry to observe, are generally looked upon with suspicion, immediate acquiescence is not to be expected, but I am persuaded if the proceeding be carried on with discretion, plain reasoning, and good temper on all sides, it will work its way, and surmount all difficulties.

The Committee now sitting to determine upon the charges and expenses of surveys will terminate the complaints and disputes so troublesome hitherto, and all that is now required will be to allot to the several surveyors their respective occupations.

It is my intention to devote from twelve o'clock, Mondays and Thursdays in every week, to the unremitting prosecution of the task before Government.

It seems advisable that one day should be set apart for the consideration of all reports already made, which are the more pressing as the expense of survey has already been incurred, and also for the more expeditious and effectual arrangements of all the cultivated lands applied for, pursuant to the Proclamation of October 16th 1812.

The other day may be allotted to the inspection of the recent survey from the Lines to Classenbosch, which from its contiguity to Cape Town, and obviously beneficial consequences, requires the most immediate and active examination.

(Signed) J. F. CRADOCK.

[Original.]

Letter from THOMAS COURTENAY, ESQRE., *to* HENRY GOULBURN, ESQRE.

NO. 1 BARTON STREET, WESTMINSTER,
18th June 1813.

SIR,—On the 29th of February 1812, Mr. Willimott, then agent for the Government of the Cape of Good Hope, transmitted to Mr. Peel, for Lord Liverpool's information, an extract of a letter which

he had received from Sir John Cradock, on the subject of the trade of that Settlement; but it was thought proper, as I understand, to defer the consideration of the subject until the general question of the trade eastward of the Cape should come into full discussion.

Under the present circumstances of that discussion, I think it my duty to call Earl Bathurst's attention to the commerce of the Cape, with a view particularly to the regulation of the intercourse between that Settlement and the British Possessions to the eastward, the Islands of Ceylon, Java, Bourbon, and the Mauritius; and also with the continent of South America.

I trust that I may be permitted to suggest that so much of the Order in Council of 12th April 1809 as confines the importation into the Cape of the product of countries to the eastward, to the East India Company would naturally be revoked upon the determination of their exclusive privilege with the East India Trade; and the principal effect of that order, namely the admission of neutral vessels, having been done away by the order of the 1st October 1811, no provision of the order of 1809 (except that which permits the Company to import military stores without His Majesty's licence) would, at the period of the expiration of the exclusive privilege, remain in force.

On the part therefore of the Settlement I humbly beg leave to submit to Lord Bathurst the expediency of taking into consideration the laws and orders affecting the commerce with a view to such an arrangement as may tend most effectually to the encouragement of its agriculture and internal prosperity. I have etc.

(Signed) THOMAS COURTENAY.

[Copy.]

*Letter from the LANDDROST OF SWELLENDAM to the
COLONIAL SECRETARY.*

SWELLENDAM, the 22nd June 1813.

SIR,—I do myself the honour of acknowledging the receipt of your letter of the 10th instant, conveying an extract of a letter from Peter Lourens Cloete, and beg leave to communicate, that as

there are still several individuals who have not made their opgaaf, it is as yet impossible to say what sum of money will be brought together for the commando fund; for in order to find the sum required, and to make every individual bear his share in it in proportion to his possessions, I have made a calculation of the whole amount of property in the district under my charge, and have found that it ought to come to about Rds. 3,500,000, and have ordered three rixdollars to be levied of every Rds. 1,000 an individual proves worth, so that I believe I shall be pretty near the mark; but this is a mere supposition, which can only be ascertained when the whole of the people have made their opgaaf; but in the meantime I can assure you, that accurate lists have been kept of whatever has been paid by every individual possessed with property in this district, and as soon as every one has paid his share in the amount in question, I will not fail to transmit certified copies of these lists to your office for his Excellency the Governor's information, when in case of a surplus the next year's levy will be less, and in case of a deficiency it will be more than it has been this year.

The author of Mr. Cloete's letter is very severe, and has said more than I believe Mr. Cloete's very confined understanding can see in it; but Mr. Cloete's character and disposition are so well known that I shall neither resent what he has said, nor trouble you with any comment upon it. I have &c.

(Signed) P. S. BUISSINNE, Landdrost.

[Copy.]

*Letter from the COLONIAL SECRETARY to the
LANDDROST OF SWELLENDAM.*

SECRETARY'S OFFICE, July 7th 1813.

SIR,—I am directed by His Excellency the Governor to forward to you the enclosed Memorial from the Moravian Missionaries at Genaden Dal, requesting that a loan place may be attached to their Establishment, and to acquaint you, that as the said Missionaries are entitled to every consideration from Government, His

Excellency is most anxious to give them a convincing proof thereof, and therefore desires you may be pleased to point out a proper spot as near the Institution as practicable on Quit Rent.

I have etc.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Copy.]

*Letter from HENRY ALEXANDER, ESQRE, to the
LANDDROST OF SWELLENDAM.*

SECRETARY'S OFFICE, *July 9th 1813.*

SIR,—I have had the honour to lay before his Excellency the Governor your letter dated 22nd June, upon Mr. Cloete's having complained of the local mode of taxation and stated that more money was assessed in your district than the occasion demanded, with allusion to the commando contribution; and I have it now in command from his Excellency to acquaint you that he has read your explanation, and thinks that *your mode of proceeding is in every way proper and satisfactory.* I have &c.

(Signed) HENRY ALEXANDER.

[Copy.]

Government Advertisement.

His Excellency the Governor and Commander in Chief has been pleased to establish the following *Regulations upon the Expences of Surveys for Lands, as far as indispensably connected with the proceedings of this important measure:—*

1. All applications which may be referred to the landdrost and heemraden for examination shall be distinguished and arranged by them at their monthly or quarterly meetings, in such manner, that lists can be formed of all the places situated under the same field-cornetcy, in which the applications are to follow in the same order as the different lands requested for are situated.

2. These lists being made out, a commission, consisting of the landdrost or deputy landdrost, and one heemraad, assisted by one of the sworn surveyors, shall repair to the field-cornetcy where the places are successively situated, and there (after having first heard the field-cornet and the interested parties, specially to be summoned for that purpose, and being informed of all the circumstances from the different parties, which government should be acquainted with), on the applicants pointing out the several lands to the surveyor, he shall proceed from place to place, in the order pointed out by the Commission, and measure the same, if no sufficient objection to the Commission appear thereto.

3. After having thus inspected those lands or places, in the order in which they are situated, and having pointed out the same to the surveyor, the proceedings of the Commission shall be considered as terminated, and the land surveyor alone shall then proceed in, and complete his operations in the same order; after which he is to form and deliver to the Landdrost a Diagram of each place or piece of ground, pointing out the different sorts of lands, and especially whatever springs or water he may have met with on making the survey.

4. Immediately on the receipt of this diagram, the Commission shall send in their report to his Excellency the Governor, stating therein all the circumstances, as well regarding the nature of the ground as with respect to the applicant, according to such orders as already exist or may be given hereafter.

5. The object of his Excellency being to save all unnecessary expence to the parties applying, and to preserve uniformity in the survey and impartially to the parties, relies upon the zeal and local knowledge of the landdrost, deputy landdrost, and heemraden, that they should arrange the several applications in the mode best calculated to effect economy, expedition, and a general accuracy, by pointing out to the surveyors, successively in their order, the different lands applied for, so that the surveyors may proceed with dispatch and without interruption, by which much expences will be saved.

6. All former rules and regulations to stand good, which are not hereby altered or rendered of no effect.

7. Allowance for daily expences and other incidental charges of carriage hire, etc., to be defrayed by the persons applying for lands.

8. Landdrosts, deputy landdrosts, and commissioned heemraden are allowed 4 Rds. per day, over and above the expence of waggon hire.

9. When more than one inspection is made in a day, or several in succession in the same field-cornetcy or neighbourhood, all expences of waggon hire and daily allowance to be divided amongst the applicants, in proportion to the time occupied in the several inspections and surveys.

10. When the surveyor acts without the Commission, the several applicants are to defray the expences of waggon hire, in proportion to the time occupied in the survey of the land solicited for by each; but the instruments used by the surveyor are to be conveyed to the spot by those at whose request the survey is to be made.

11. Waggon hire is to be charged according to the rate which the landdrost, deputy landdrost, and heemraden of the district from whence the surveyor proceeds, consider to be legal and usual.

12. When lands are to be surveyed for an individual, separate and distinct from others, he may furnish a waggon, or other mode of conveyance, satisfactory to the Commission and surveyor; if any objection is made to the conveyance proposed, that shall be decided by the landdrost or deputy landdrost.

13. The field-cornets who may be called upon to assist at any survey to be allowed 4 Rds. per day, but without any travelling expences.

14. Expences allowed the surveyor.

	Rds.	Sch.
(a) The measuring of lands of 10 morgen, or less	6	0
(b) From 10 to 60	10	0
(c) From 60 to 100	12	4
(d) Above 100 morgen, 1 skilling more for each morgen.		
(e) For travelling expences per day	4	0
(f) For his servant, ditto	1	0

All other assistance to be provided by the applicants.

The diagrams to be charged as formerly.

15. The surveyor to be paid by a bill upon the district treasury, quarterly, upon a return of the surveys, valuations, and diagrams; and consequently the landdrost and heemraden, if they have any doubt of the persons' solvency (but in no other case) are entitled to call for security, or a deposit of the probable expences, before they institute proceedings upon any application.

16. In order to prevent all losses that might be sustained by the district treasury in consequence of this regulation, every one shall be obliged, after the survey has been actually completed, to pay on demand to the secretary of the district in which the land memorialled for is situated, the expences which have attended the inspection and survey; and in case of any neglect, the amount shall be recovered by *Parata Executio*.

17. In consequence of the additional trouble, the district secretary to be allowed $2\frac{1}{2}$ per cent. to be collected from the parties on the amount of their bills, in case the parties do not agree as to the proportion of the expences to be borne by each, such proportions must be settled by the Commission, and their award is conclusive. •

18. Exclusive of the reports of the Commissions as now made, a copy of all transactions is by the district secretary to be forwarded quarterly to the Colonial Secretary, and a duplicate thereof, signed by him, to remain at the Drostdy, in order that reference may be had to the same, should it be necessary.

Castle of Good Hope, 16 July, 1813.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor has been pleased to establish the following regulations for the conduct of all persons applying for grants of land, and the conduct of the respective Commissions, whether landdrosts and heemraden, or others, to whom such applications are referred by His Excellency.

Art. 1. His Excellency declares his intention of only granting lands for ever, on a reservation of quit rent.

2. His Excellency will make no grant unless upon a survey and diagrams regularly executed and prepared by the surveyors appointed by Government.

3. Persons applying for land shall specify in their applications to Government, whether it is a wholly new establishment they

seek to make, whether the lands are already occupied and cultivated by them, or are adjoining to their other property.

4. Parties applying for lands shall also state what other places they possess, and upon what tenures, and in what districts their properties lie.

5. Parties applying for land shall state the number of their slaves, male and female, of their horses, mules, and oxen, their stock in sheep, goats, or other cattle, or satisfy the Commission of their capital in money, or other means of cultivation.

6. The Commission shall make minute enquiry into the truth of such statements, as far as in their power, and report specifically upon every application, their opinion of its accuracy, and whether, in their judgement, the applicant has the intention and means of cultivating the land applied for, either from his own resources, or the aid of friends and relations.

7. His Excellency expects the respective Commissions will preserve inviolate the rights of roads and Uitspan places to the public.

Castle of Good Hope, 23 July, 1813.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas Agriculture constitutes the chief source of prosperity in this Colony, and the full encouragement thereof must consequently have an immediate tendency to promote the real interests of its inhabitants; whereas this encouragement chiefly depends on the certainty of tenures, and the confidence connected therewith,—that all improvements of the soil, and all encrease of fertility, should indisputably belong to the holder, as his own, and that in the ordinary course of things, all his arrangements, as well with respect to the produce, as to the land itself, should by the laws be exclusively secured to him, his heirs, executors, assigns or representatives:—whereas, although the establishment of loan leases might have been suitable to the early state of this colony, when

the wants of government were not foreseen, it now appears from experience, that the loan tenure is injurious to that certainty, so essential to the happiness and the interest of the inhabitants, and equally injurious to the public interest, by preventing the holders from appropriating as much of their means to the improvement and extension of agriculture, as they would do, in case they had no right of re-assumption to apprehend, and might dispose of the ground as they please, *by subdividing the same among their children, letting, selling, or otherwise alienating it in lots, cultivating it in the prospect of remote benefit, by the planting of timber, etc.*

Whereas notwithstanding a gradual re-assumption of loan lands, and the regranting of the same in lesser portions on a more certain tenure, might considerably encrease the colonial revenue, yet having taken into consideration the great utility of no longer delaying the improved cultivation of land, by giving security to title, and of making the same, as speedily as possible, a general measure; I have adopted the following determination: "to grant to the holders of all lands on loan, who may regularly apply for the same, their Places on PERPETUAL QUIT-RENT, with the following rights and privileges, and on the following terms and conditions," viz.

1. Every holder of a loan place, on his making application by memorial to Government for the purpose, shall have a grant of his place on perpetual quitrent, to the same extent, as he has hitherto *legally* possessed the same on loan.

2. No loan place shall exceed three thousand morgen, every addition to that quantity of land must be particularly mentioned to the surveyor and Commission, and appear upon the face of the application, for His Excellency's consideration.

3. The holder by this grant shall obtain the right, "to hold the land hereditarily, and to do with the same as he may think proper, in like manner as with other immoveable property, as also, should he deem advisable, to sell or otherwise alienate it, with the usual previous knowledge of Government, either partly or wholly, as free and allodial property."

4. Government reserves no other rights but those on mines of precious stones, gold, or silver; as also the right of making and repairing public roads, and raising materials for that purpose on the premises; other mines of iron, lead, copper, tin, coals, slate, or limestone, are to belong to the proprietor.

5. In all places adjoining the sea, or communicating with the sea by inlets therefrom, the rights of the Crown are reserved, with the power of re-assumption of any quantity of land, not exceeding twenty morgen, paying the proprietor for such buildings as he may have erected, according to a fair valuation; provided such ground be wanted for public purposes, and if given up by the Crown, it shall not be transferred to another individual, but revert to the proprietor or his representatives.

6. In all judicial decisions regarding perpetual quitrent, the same rights, laws, and usages shall be observed, which have hitherto been acted upon, or which may hereafter be established, enacted, and followed in judicial decisions, with respect to freehold lands.

7. That for this, in the common course of things, irrevocable title, the holders shall pay to the Public Revenue an increased yearly rent, to be prescribed according to the situation, fertility, and other favorable circumstances of the land, in no case, however, exceeding a sum of two hundred and fifty rixdollars.

8. For the survey of a loan place to be granted on perpetual quitrent, the land surveyor, exclusive of the diagram, travelling expences, and waggon hire, shall not charge more than a hundred Rds. unless he may be obliged, from local difficulties, to appropriate more than five days to make the survey, in which case he shall be allowed to charge ten Rds. for every day over and above that time; the respective landdrosts are therefore directed to pay strict attention hereto when any account be presented to them to be paid out of the district treasury, as mentioned in the Government Advertisement of the 16th July last.

9. On the division of any place granted on perpetual quitrent, each part and its holder shall be severally bound and responsible for the full amount of the rent, in such manner, however, that he who makes the payment may recover from the other holders, for as far as regards their respective shares; unless at the request of the interested parties, on making the division, Government may have been pleased to direct that the rent shall be apportioned and registered proportionably at the time of the transfer.

10. That, in order to ensure the necessary regularity, as well as the interest of the state, no alienation of any part of such place shall be considered as legal before the same shall be surveyed, a diagram made thereof, and regularly transferred before commis-

sioners of the Court of Justice, as likewise duly registered in the office of Land Revenue.

11. This perpetual quitrent shall further not be liable to any other burthens but those to which all freehold lands are already subject to, or which may hereafter be further prescribed.

12. All applications for the conversion of loan lands into perpetual quitrent, with the privileges attached thereto by this present Proclamation, must be made within twelve months from the date hereof; after the expiration of which period, the said rights, privileges, terms, and conditions shall be subject to such alterations as circumstances shall be found to require.

13. The Title Deed (Erfgrondbrief) on such application shall be granted after the place shall have been surveyed, with the previous knowledge of, and, if necessary, pointed out by the landdrost, by a sworn land surveyor, and a proper diagram of the same forwarded to Government by the landdrost, accompanied by his certificate that the measurement was made without prejudice to any person; and also that the diagram does not contain any greater extent of ground than was *legally* possessed on loan by the holder.

14. By the regulations made in these presents, it is not to be understood that the right of reassumption, encrease of rent, or other arrangements regarding loan places, which undoubtedly belong to the Government of this Colony, and which have been, from time to time, exercised by the successive Governments of the same, are in any wise curtailed, or intended to be curtailed, unless when the parties obtain an alteration in their tenure, on the terms proposed.

15. In order to prevent all misunderstanding, it is hereby specially declared that the right, which belongs to Government with respect to *attached places*, is in no wise done away by this measure, and consequently that those places remain subject to all such further regulations as they would have been liable to, in case this Proclamation had not been issued.

16. Loan places, attached to the respective drostdies, deputy landdrosts, or the parsonages of the clergy, remain, as they are, public property, to be transmitted to their successors. But where field cornets or other public functionaries are excused from paying rent for a loan lease of his own, as part of the remuneration for their public services, in all such cases, where the party solicits

and obtains a change of tenure, for the purpose of dividing it amongst his family, or other motives, he shall not be liable to the raised rent during the time he is employed in the public service, and the new rent shall commence at the expiration of such services by death or otherwise.

17. The whole tenor of the foregoing regulations will manifest the paternal view His Majesty has taken of this Colony; and, in deeply considering the permanent interest of the occupiers of lands, to what extent the Crown has resolved to sacrifice its rights and prerogatives, in order to place property upon that solid and secure foundation, without which fair adventure and speculation cannot arise, and even common industry and labour will lose much of its effect.

“Thus”—at length is this great measure matured, and brought forward. It is the one that has long engaged the attention and anxious wish of each preceding Government, but which could not well admit of conclusion, except in times like the present,—of unexampled tranquillity, uniform progress in civilization and good order, and the unbounded prospect of universal prosperity.

I feel the highest gratification in giving effect to these beneficent and paternal designs of His Majesty's Government; and persuade myself that the gratitude of the inhabitants of this Colony will be equal to the value of the inestimable gift thus extended to them on the part of the Crown, which, by graciously offering to their acceptance a perfect title to lands, that enables them to provide for their children and descendants, and dispose of them as they please, grants to them, in fact, possession of an estate, and the high character and station of a “real landholder.”

They will thereby abandon an unworthy tenure, unfitted to the growing prosperity of the Colony, and only suited to the earliest and rudest institutions of the Settlement; and being thus placed, in their territorial possessions, on the same footing as their fellow subjects in Europe, the Cape of Good Hope in future may, with fair pretension, take its rank with other countries.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal, at the Cape of Good Hope, this 6th day of August 1813.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from COMMISSIONER DUNDAS *to* REAR ADMIRAL TYLER.

NAVAL YARD, CAPE TOWN, 4th August 1813.

SIR,—In reply to your letter of the 3rd Instant, acquainting me that you had received instructions from the Lords Commissioners of the Admiralty to render every assistance to the Resident Commissioner in the removal of the Naval Establishment to Simon's Town, and requesting to know in what way the men and artificers the Squadron can furnish may be employed for that service, I beg leave to say that I cannot as yet consider myself competent to judge of the propriety of *immediately* removing the Establishment from Cape Town to Simons Town, that I conceive the Lords Commissioners of the Admiralty have been greatly deceived by the information given on the subject, as also by the estimates given in of the expenses to be incurred; and foreseeing no disadvantage likely to accrue to the Public from not immediately removing the establishment, I do not conceive the strength of His Majesty's Squadron need be diverted from any plans you may judge proper to pursue for the benefit of the Public Service.

I have &c.

(Signed) G. DUNDAS, Commissioner.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 11th August 1813.

MY LORD,—I have the honor to acknowledge by the *Cormorant* and *Clanmore* Storeship the dispatches as stated in the margin, and I believe I may say I have received all your Lordship's Favors except Nos. 6 and 7, which probably may have miscarried through the loss of the *Java* Frigate.

All your Lordship's instructions shall be pursued, and except in some particular instances it will not be necessary to make any direct reply.

I have now the honor to transmit to your Lordship two reports

from the Commissions of Circuit for the year 1812, which will assuredly afford great satisfaction to your Lordship from the conviction that the course of Justice and the execution of the Law is carried on, through the operation of the Circuits instituted by my predecessor, the Earl of Caledon, in a manner heretofore unknown in the Colony, and which cannot fail to establish good order, and consequent prosperity, and efface all the imputations that may have gained belief against the character of this Settlement.

In No. 1 there is not much to attract your Lordship's notice, as that Circuit is a very short one, and lay through districts where there was little occasion for extraordinary attention and exertion; but I very anxiously request your Lordship's particular consideration of the report No. 2, which, in continuation of the very able and interesting documents upon the same subjects of the preceding year prepared by the most respected Mr. Ryneveld, Chief Justice, gives not only a further very faithful history of the interior of this Colony, but in a very perspicuous and impressive manner points out the various improvements of which this extensive Settlement is so very susceptible.

It will be my duty to promote the objects conveyed in this report as early and as effectually as circumstances will admit, and I trust that it will not be assuming too much if I impress that the administration of His Majesty's Government has uniformly employed itself in directing and executing the very measures that still call for so much exertion and reform, and I derive peculiar gratification, and indeed support, in thus finding the entire sentiments of the Colonial Government as it were reverberated by a Commission of the most able and popular Dutch Gentlemen, who have now confirmed the necessity of establishing all the regulations of Government which have been extended to Christianity, Education, the proper Treatment of Slaves, Agriculture, and a better understood and more impartial Local Taxation throughout the Districts, many of which might be thought visionary by a people blindly devoted to ancient customs, had they not received a confirmation from among themselves, not so liable to distrust and dispute.

It will, I am persuaded, prove of equal satisfaction to your Lordship as to myself to learn the opinion of this Commission upon the great advantage arising to this Colony from the expulsion of the savage Kaffir tribes from His Majesty's Territory, and to

find that this important measure, without which the Colony could not prosper, was effected in a manner so creditable to the British character and Military discipline.

In this report I also beg to call your Lordship's particular notice to the great value the Commission gives to the publicity of all judicial proceedings, and the extension of a certain portion of legal knowledge and circumstances throughout the community, with their further earnest wish that the same publicity, given by provision to the proceedings of the circuits, might be equally extended to the practice of the Courts in Cape Town.

This advice which comes from one of the most distinguished of the Court of Justice, Mr. Strubergh (lately deceased), who at one time filled the chair, and from Mr. Beelaarts van Blokland, (a Dutch lawyer), the Secretary, and a person of more than ordinary talents and legal knowledge, is of the most important nature; and if it can be effected under all the discretion and general co-operation necessary in so great and marked an alteration of the Dutch jurisprudence, I can have no hesitation in expressing that it would give a character and confidence in the Court of Justice that must ensure the best consequences. A fair publicity would, above all things, reconcile the English inhabitants to the Dutch Courts, for, as it is at present, the concealment and secrecy that prevails within their closed doors creates general complaint, and is utterly repugnant to British education and feelings.

I shall conclude my observations upon this report by bringing to your Lordship's view that in these proceedings is contained the complete termination of all those accusations so strongly urged by the Missionaries Dr. Van der Kemp and the Revd. Mr. Read, which have given so much pain to His Majesty and the preceding Colonial Government; and from the thorough investigation that has taken place, and the actual operation upon each individual case that could in possibility be brought under cognizance, I hope I may with confidence say that these transactions, whether they be more or less true, or even highly exaggerated, as is the prevailing opinion, are vindicated and set at rest for ever; and therefore I shall most strongly urge the doctrine recommended by the Commission, that it is for the interest of the Community to throw the deepest shadow of oblivion upon all that has passed between the adverse parties, when certainly there have been mutual, and great faults, on both sides, and where the scenes

that have taken place have arisen as much from a state of insurrection and indeed a civil war of those times, as any very premeditated intention either from the Boers, Slaves, or Hottentots, to commit special injury to each other.

I was unwilling to delay the transmission of so satisfactory a paper to your Lordship, or I should otherwise have accompanied it by the minute details of all the legal process, but these documents, all requiring translation, shall be forwarded by the succeeding opportunity.

The Commission, as your Lordship will observe, has expressed itself in very unfavorable terms of the Missionary Establishment under the superintendence of the late Dr. Van der Kemp and the Revd. Mr. Read at Bethelsdorp, and strongly exposes the necessity of their division or dispersion; but although their report is entirely corroborated by the opinion of Col. Vicars, the Civil and Military Commissioner on the Frontier, for the present I wish to suspend any decision until I shall have personally examined all the circumstances, which my intended tour throughout this Colony in the course of next month will enable me to do, and also give me the opportunity of forming a more correct judgment upon the various objects brought under consideration.

I experience the greatest satisfaction in finding from universal testimony that the conduct of Major Cuyler of the Cape Corps and Acting Landdrost of the District of Uitenhage, has been without reproach, and that the aspersions cast upon his character with so little consideration are entirely destitute of foundation. It indeed was always to be discredited that a British Officer could have acted with indifference to scenes of cruelty and oppression under his authority and command. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, August 11th 1813.

MY LORD,—I have had the honor to receive your Lordship's dispatch of the 30th January last, communicating directions to

pay to Mr. Alexander Tennant £2,400 in full of his demands against the British Government for the care and conveyance of British Prisoners of War to St. Helena.

As there is no mention made in your Lordship's letter, or in the communication from the Transport Board, from what fund this payment is to be made, or upon what authority I am to draw for the amount, I am somewhat at a loss how to proceed, as the concern in question has no reference to the Colony, which was not at the time a British Possession, and also that the Prisoners so conveyed to St. Helena made part of the crews of East India ships, the expence of which perhaps ought rightfully to be defrayed by the East India Company.

The particulars will, I believe, be found in the former papers transmitted by Mr. Tennant, but I cannot now bring them forward, as he is out of town.

Mr. Tennant's necessities are such that I cannot well refuse to pay him the sum directed, but it is at this moment very difficult to resolve upon what Board, whether the Treasury or the Transport Board, I ought to draw for the amount, and I request instructions to avoid any future embarrassment to myself. I have &c.

(Signed) . J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *August 11th 1813.*

MY LORD,—I have to acknowledge the receipt of your Lordship's two dispatches Nos. 12 and 18 within a few days of each other, by the *Cormorant* and *Glenmore*, upon the same subject, the appointment of Mr. Maude to be Chief Searcher.

Your Lordship's commands have been fulfilled, and I shall with great satisfaction attend to your Lordship's further directions in placing Mr. Truter in the first eligible situation within my power, which is not only due to his excellent character and the faithful discharge of his duty in the Custom House Department under a very imperfect arrangement of that Establishment, which I cannot

control, but also to remove some unfavorable impressions upon the minds of the Dutch Inhabitants which the disappointment of Mr. Truter seems to occasion. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from REAR ADMIRAL TYLER to J. W. CROKER, ESQRE.

Lion, SIMONS BAY, 11th August 1813.

SIR,—I enclose, for the information of the Lords Commissioners of the Admiralty, the copy of a letter from Commissioner Dundas, in reply to one I addressed to him on the subject of the removal of the Naval Establishment from Cape Town to Simons Town; and I request you will inform their Lordships that it is my intention in consequence thereof to order the ships under my command to return at the proper season to Table Bay. I have &c.

(Signed) CHAS. TYLER, Rear Admiral.

[Original.]

Letter from REAR ADMIRAL TYLER to J. W. CROKER, ESQRE.

Lion, SIMONS BAY, 11th August 1813.

SIR,—In the arrangements made by Commissioner Shield for the removal of the Naval Establishment from Cape Town to Simons Town, no house is proposed for the residence of the Admiral commanding on that station.

The one called the Admiral's House at that place is a most wretched hovel, and in such a state of decay as to be falling to the ground, and is proposed to be appropriated to other purposes.

I beg you will submit to the consideration of the Lords Commissioners of the Admiralty whether the Commander in Chief residing where the Squadron under his command is stationed, and the several Naval Departments are established, will not be beneficial to the public service, and as Commissioner Dundas has no instructions on this subject, I request you will inform me whether

it be their Lordships' direction that a house for the residence of the Admiral shall be provided at Simons Town.

That in which I reside in Cape Town, purchased by Vice Admiral Stopford, requires very great repairs, in consequence of Commissioner Shield, in pursuance of orders he had received, having caused such repairs only to be given to it as were from time to time absolutely necessary. I have &c.

(Signed) CHARLES TYLER, Rear Admiral.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, *August 13th 1813.*

MY LORD,—I have the honor to deposit in your Lordship's office a correspondence that took place by my direction between Lieut. Col. Reynell, my private Secretary, and Colonel Da Sylva, an officer of some rank in the Portuguese service, and who held, I believe, a situation of eminence at their Establishment in Mozambique.

It is possible that some misrepresentation may take place at Rio de Janeiro, as was the case in the Portuguese slave ship the *Restaurador*, about which Lord Strangford transmitted to His Majesty's Government such extraordinary and incorrect accounts. It is therefore with the view of meeting the recurrence of such an incident that I take an early moment to put your Lordship in full possession of the present case, if it be necessary to require information.

The correspondence annexed will detail the whole affair, and without entering the least into the foundation of the statements made by Colonel Da Sylva, will prove that I interfered, as far as was practicable on my part, with the judgment of His Majesty's Vice Admiralty Court, over which it may be necessary to repeat I have no authority or control.

I cannot however lose any opportunity of giving my opinion that it is for the honor of humanity and the British character to discourage and stop, as far as it can be extended, all the proceedings of the Portuguese slave trade, the painful excess of which has been strongly marked since my arrival.

However, in the case of Colonel Da Sylva, as an individual of rank in the Portuguese nation, our faithful ally, I thought it to be my duty to afford to him every liberal assistance in my power, and I granted to him a handsome daily allowance, and secured his passage to Rio de Janeiro at considerable expense, with every required accommodation.

I have reason to hope and believe that Colonel Da Sylva and his family departed from this Colony highly sensible and grateful for the attention they received, notwithstanding the embarrassed situation in which their ill fortune placed them. I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from HENRY ALEXANDER, ESQRE., *to* THOMAS
COURTENAY, ESQRE.

CAPE OF GOOD HOPE, *August 14th 1813.*

SIR,—By directions of His Excellency the Governor and Commander in Chief I have the honor of forwarding an Extract of a Letter from the President and Members of the Bible and School Commission, and to request you would obtain a Schoolmaster either of the Bell or Lancaster School on the terms proposed by the Commission, but as Calvinism is the established Religion here whatever system has taken place or been generally adopted in Scotland founded upon the principles common to both systems would best answer in this Colony. I have &c.

(Signed) HENRY ALEXANDER.

[Enclosure in the above.]

*Extracts of a Letter from the Bible and School Commission to HIS
EXCELLENCY SIR JOHN CRADOCK, dated the 28th July 1813.*

The Members of the Bible and School Commission beg leave respectfully to lay before your Excellency the following Resolutions agreed on at their meetings :

“That it is desirable the present opportunity of sending letters should be taken advantage of, in order to write to Europe for a

Master well acquainted with the new system of Education (commonly called after the name of Dr. Bell or Mr. Lancaster) and capable of introducing the same into the lower schools of this Colony under the superintendence of the Bible and School Commission."

"That such a Master, at your Excellency's recommendation, might be obtained through the Agent of the Colony residing in London, to whom it may be left to make the necessary arrangements with the Master required, as to his passage going out and coming home, as to a moderate advance (say £50) for his equipment, and as to his salary, which the Commission propose to fix at 100 Guineas a year, as long as the Master continues to be employed by or under the superintendence of the Bible and School Commission."

"That the Agent should be desired to use his best endeavours in finding out a Person for the intended employment who understands, besides the new system of education, both the English and the Dutch language."

And if now these Resolutions should be approved by your Excellency, the members of the Bible and School Commission would further take the liberty of requesting that your Excellency may be graciously pleased to write on this subject to the Agent of the Colony to recommend every possible dispatch.

[Copy.]

Letter from the COMMANDER IN CHIEF to SIR JOHN CRADOCK.

HORSE GUARDS, 15th August 1813.

DEAR GENERAL,—I avail myself of the earliest opportunity to acknowledge the receipt of your letter of the 9th May communicating the resignation of your appointment to the Colony now under your charge and command, and however I may regret that the public service should suffer by your relinquishment of the important situation which you have filled so advantageously and so creditably to yourself, I cannot but make due allowance for the natural desire you entertain of returning to Europe.

As far as may depend on my arrangements I shall not fail to

submit your succession to the Prince Regent so as to relieve you in your command about the period you mention. I am &c.

(Signed) FREDERICK, Commander in Chief.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *August 16th 1813.*

MY LORD,—I am persuaded it will meet with the approbation of His Majesty's Ministers to learn that the most active measures have been taken by the Colonial Government to establish a certain portion of education among the lower classes of the community in this Settlement, and thereby give the only foundation, upon which it can rest with any reasonable hope of success, to the knowledge of the holy scriptures and the propagation of Christianity; for the circulation alone, without conferring at the same time the ability to understand them, must appear upon reflection barren of all real effect.

It would be difficult to describe the want of every species of education among all the inhabitants of this Colony except the very few of the higher order, and it would seem that instead of any encouragement given, it had been a general wish in early times to keep them in the most abject ignorance.

The present plans in agitation, I trust with some confidence, will gradually do away so disgraceful a state, and that in a few years a moderate extent of knowledge, adapted to the common purposes of life, may be the lot of all who may choose to avail themselves of the education now within their reach.

I am sorry, however, that it is necessary to add that there are individuals who disrelish all idea of mental improvement, and consider that the low stations of society are best filled by persons ignorant of Christianity or any degree of information.

The authority of the Colonial Government however serves to check such pernicious principles, and the example and instructions derived from all the present institutions in England will soon dispel the weak attempts to keep down Christianity or any source of improvement.

With this view, I have to anxiously request that I may receive

permission from the Colonial revenues to put down His Royal Highness the Prince Regent's high name for a donation of 10,000 Rixdollars, and an annual subscription of 2,000 ditto to the funds of the Bible and School Commission.

The benefactions are hitherto considerable, above 20,000 Rds., but such a mark of patronage will give incalculable spirit and effect, and prevent any apprehension of the present zeal and exertions dying away.

I take the liberty to submit the public papers that have already appeared upon the subject, and to state that the great public school in this town will open on the first of next month.

I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from SIR JOHN CRADOCK to CHIEF JUSTICE TRUTER.

GOVERNMENT HOUSE, *August 20th 1813.*

SIR,—I am to request that you will communicate to the members of the late Commission of Circuit my best acknowledgments for the very able discharge of their respective duties, and to particularly thank the Gentlemen of the longer visitation for the excellent execution of the very complicated task that fell to their share, and especially for the most enlightened and perspicuous report laid before me.

I sincerely lament that the Government has since lost the services of Mr. Strubberg, and that it is only to his memory so just a tribute can be paid.

I also wish in a very marked degree to make my acknowledgments to Mr. Beelaarts van Blokland, who undertook the charge of Prosecutor in certain important instances, as well as to act as Secretary, for his ready compliance with my wishes, and to express that the whole discharge of his duty has been carried on in a manner that might well be expected from his legal knowledge and correct habits of business.

In closing this part of the subject, I am anxious to confirm what never can be too strongly repeated, that the Institution of

the Commission of Circuit has gone farther in establishing the prosperity of this Colony upon the basis of Justice and the impartial and active execution of the Laws than all other measures that ever had been in contemplation, and that I consider the Reports which Government has received from the late and preceding Commissions (from such able and distinguished persons as composed them) as the crownwork of the whole proceeding, and the most sure and faithful guide in the operations of the Government. I am persuaded that the succeeding Commission will equally co-operate in all the valuable measures of their immediate Predecessors, and that Government will also have to thank them, not only for the zealous discharge of their legal avocations, but for the results of their general observation and the lively attention to every circumstance that can lead to the solid improvement of a rising Colony still in its infancy, and therefore demanding every day fresh and more minute consideration.

The Colonial Secretary will have the honor to forward to your Court the more "impending instructions" that will arise from the suggestions in the late report, and which it may be necessary to adopt before the departure of the present Commission. I have the further satisfaction to communicate that the whole of the valuable and truly patriotic observations conveyed in that paper have engaged the perfect attention of Government, and will be carried into execution as expeditiously as practicable.

There is one portion of this report which, if I am to exalt one part of it above the other, calls for the most distinct concurrence and approbation from me, and that is upon the highly estimated advantage in the publicity of all the judicial proceedings, as directed by Proclamation of the 16th May 1811, in the Country Districts, and the warmest recommendation to establish, if practicable, the same course of operation in the superior Courts in Cape Town. I beg to enclose the full extracts from the report, that I may mark the extent to which I give every sentiment in it the most decided support, and express my warmest anxiety to fulfil the entire spirit and letter of such excellent advice.

My own experience in private life has convinced me that a familiar knowledge, as exhibited in the daily papers, with legal proceedings and the judgments of the Courts of Justice, almost in every case the plain result of profound wisdom or common sense (and therefore the surest rule of action) has proved the most prac-

tical and best guide in all the various intercourse of society, and therefore how essential it must be to extend a degree of information to all persons, who, without the power to acquire that extent of legal attainment which can only be the lot of an enlightened few, yet will still receive by these common means a light which somewhat removes that utter ignorance and darkness under which it would alone be inspiration to find their direct way.

Publicity of proceedings in the Courts will open a sufficient road to all this required information, and the display in a concise and summary manner of such trials and sentences as are of the higher import or peculiar interest, under the discretion of the Court and at their desire, will secure the great objects in view, the knowledge of what is right or wrong, upon undisputed foundation, and the gradual illumination of the public mind.

It now only remains for me, Sir, to request your assistance, a support you have ever given to me, upon the most momentous and delicate transactions of Government, in introducing this desirable measure, and so recommended, into the Court under your immediate influence, and if it be practicable and reconcilable to the essentials of the Dutch law and practice (for mere empty forms are below the wise man's attention) that you will give to this subject your most animated consideration, and have the goodness to lay before me such a plan of future proceedings as will go the greatest length to establish such a system that cannot fail to produce the most beneficial consequences.

In support of my anxious wishes upon this subject, it would be injustice not to add another powerful motive, that perhaps in direct policy ought to take the lead. The adoption of publicity in the Court of Justice to a reasonable extent would in the most sensible degree operate upon the minds of the British part of this Community, which at times feels considerable disquietude and irritation upon the prevailing differences between Dutch and English laws, and as their revered palladium, the trial by Jury, cannot take place, it seems more fair to urge, if it can be effected without any violation, that the next article of their creed, to which they have been accustomed from their childhood, open doors and unconcealed process, be given in its place.

To such a mind as yours, Sir, it would be superfluous to state that what I now urge does not proceed from the smallest distrust of the faithful discharge of your high duty or that of your respected

co-adjutors. I will not impair the spirit of the subject by any such apology. I alone press this great point upon the answerable grounds of the truest policy and the ardent wish, common to us all, to give to the law a more enlarged circulation and the consequent respect. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *August 21st* 1813.

MY LORD,—I have the honor to request your Lordship's Instruction upon the following point:

Whether the Colonial Government, or the Parties interested, are obliged to pay the extra expences incurred by placing extraordinary Custom House Officers on board such prize ships as may have been brought into, or detained in this port.

The present question arises upon the American ships lately seized, and which have been condemned as Droits of Admiralty.

In consequence of the late communication from the agent for American detained property, it was judged to be conformable to those Instructions to place a Custom House Officer on board each ship until the condemnation had taken effect.

These persons were hired, specially, at considerable expence, and from great delay that took place through the want of proper powers on the part of the Vice Admiralty Court and the non-arrival of the commission of the local agent, Mr. Cadogan, the consequent charge has arisen to a high amount. The agent for the Droits of Admiralty feels the propriety of reimbursement, I believe, but pleads the want of power.

It is of course more necessary on account of the principle than from any other reason, and to meet the recurrence of the like cases, that I thus give your Lordship the trouble to decide the question.

I submit to your Lordship copies of the correspondence that has taken place.* I have &c.

(Signed) J. F. CRADOCK.

* These papers are not of sufficient importance to be copied and printed.—G. M. T.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.GOVERNMENT HOUSE, CAPE TOWN,
August 23rd 1813.

MY LORD,—I have the honor to specially reply to your Lordship's dispatch No. 10 of the 26th November 1812, upon the Land Tenures of this Colony, and to submit to your Lordship the measures I have since adopted.

In entering upon a work of such magnitude and deep interest, not only to the prosperity of the Settlement, but to the right and powers of the Crown, I conceived it to be my duty to record in the Colonial Office the foundations upon which I should proceed, and which would prove in any succeeding time that the subject had been considered upon the most enlarged principles, and was solely calculated to promote the landed interest of this Colony and the augmentation of its revenues, under whatever Power this Settlement by cession might be placed.

I therefore request your Lordship's perusal of the paper No. 1, which I hope will establish all those points that seemed the most prominent in your Lordship's Instructions, and will further manifest that I should have had much greater satisfaction in exactly obeying the minute details I might have received on so critical a subject, than in giving way to any ideas of my own, however formed upon the most cautious reflection and ardent desire to promote the lasting advantage of this Colony.

It may be necessary to premise to your Lordship that it was absolutely required to take some immediate and decisive steps upon further grants of lands, for the applications had accumulated to above Three Thousand, and the people were become extremely impatient upon the long delay; and as is the case here when any proceeding thwarts their instant wishes, that suspicions were entertained against the Colonial Government of some unfavourable designs.

In laying present proceedings before your Lordship, I must call your recollection to all the former papers submitted in the dispatch of the 4th March 1812, containing not only my sentiments upon the land tenures but those of all the other Gentlemen, Dutch as well as English, called into consultation, all of which went to prove that the existing regulations, however they might have

suited the earlier periods of the foundation of this Colony, were entirely inapplicable to its present flourishing state, and would not answer the increasing population and affluence.

The subject of loan places in those papers was fully discussed, and I believe it was demonstrably proved that such a tenure, exclusive of the absurdity of its equal assessment without consideration of the value of the property, was a profuse waste of land; and from the want of legal certainty in the possession forbade all permanent improvement and deprived the holder of the natural and greatest incitement in the human mind, the fair provision for his family and descendants.

Still it was to be taken into full and liberal consideration that this tenure, though doubtless held at the pleasure of the Crown, and of course resumable, had never been so acted upon, and therefore through a long course of prescription and the payment of a transfer duty nearly similar to that upon the most assured property it had acquired a strength of right and possession that no prudent Government could ever think of destroying, or even retiring, without the full concurrence of the proprietor.

In a country so little established, and in most parts so wild and uncultivated as this, it seemed quite out of view to expect that persons would be found to take land upon a short term of years, and devote all their time and fortune to the redemption of ground from its rudest state, and at the expiration of a short, or even distant period, resign the fruit of all their hopes and labor. Indeed had it been practicable, and that Government even had the power to avail itself of the necessity, or ardor to procure additional land, I do not conceive it would be reasonable, or fair, to take so serious a view of the general allotment of territory, or pursue those close measures well suited to a gentleman's estate, but by no means analogous in the distribution of an extensive Country. The history of every original great property seems to bear out this latter principle, and prove at least what had been the notions of our ancestors in their acts of general settlement.

If, however, this principle or any other connected with it be considered erroneous, the evil cannot be great, and is easy of correction; for whatever may be done now, in a Colony of this extent, is of so trifling an operation in regard to futurity, that better ideas or better measures will soon remedy any defect in past transactions.

Every view I could take of the whole subject led me to the conclusion that a perpetual quit rent, or in fact freehold, subject only to a just and equitable acknowledgment strictly commensurate to the exact value of the ground, whether estimated upon supposed fertility, or advantage of position at the moment of its grant, was the tenure that did equal justice to the Crown and the proprietor, and ensured to the latter that expectation of future profit and affluence which in succeeding time would fully give to the Sovereign the means of compensation for any former loss in the contract between him and his industrious subject.

I believe I have before ventured to express an opinion to your Lordship that it appeared to me that, above all other in the present circumstances of the Colony, a considerable Territorial Revenue was the best suited to give confidence and stability to the paper currency, which certainly wants in many respects that substantial foundation to put it out of the reach of accident; and in no way can it receive so much direct strength (exclusive of the support of the British name) as in the institution of an inherent inalienable income that must pass from one Government to another, even under the most unfavourable aspect of the case.

I cannot yet presume to say what may be the effect of the proposed alteration of the tenure of the loan places, but I cannot well admit the doubt that any people will want the discernment, or common sense, to justly estimate its value. If the measure succeed, it will at once create upon the fairest principles an extraordinary increase of Revenue, and added to the rental that must accrue to Government from the proceeding distribution of the lands, I look forward with much hope within a reasonable time to an augmentation of finance that will enable the Colonial Government to extend the many local improvements still so much required, and even assist in many other common expenses.

The other papers which I have the honor to submit to your Lordship will explain the steps it was requisite to take preparatory to the actual measure of distribution, and place upon a proper footing the remuneration to Surveyors and all the other persons employed in the extensive work; and examine into the real grounds of the very numerous applications before Government.

I cannot close this dispatch without expressing to your Lordship how much the Colonial Government feels indebted to the Chief Justice, Mr. Truter, upon this great and arduous subject.

From the commencement of its consideration to the conclusion I have received from him the most enlightened, judicious, and disinterested advice, and through such assistance I have been emboldened to proceed to the execution of measures I could not well have trusted to my own judgment alone.

I do not separate the Colonial Secretary, Mr. Alexander, from myself, in submitting all this subject to your Lordship, and I am anxious to particularly express that to his ability and experience I chiefly owe the accomplishment of so difficult a task.

I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from COMMISSIONER DUNDAS *to* SIR JOHN CRADOCK.

NAVAL YARD, CAPE TOWN, 23rd August 1813.

SIR,—There being a house in Simons Town which appears to me to be equal in its accommodation to the house now occupied as a Mess House by the officers of the 60th Regiment, I beg to be informed whether it will be accepted as an equivalent for the present Mess House, which it will be necessary to include in the Naval Yard.

The house proposed is at present occupied by Mr. Sertyn, comprises an entrance hall, two good sitting rooms in front, a large mess room of about 38 feet, 15 good lodging rooms, with large store houses, stabling, with other outbuildings, &c., &c.

I have &c.

(Signed) G. DUNDAS, Commissioner.

[Copy.]

Letter from COMMISSIONER G. DUNDAS *to* SIR JOHN CRADOCK.

NAVAL YARD, CAPE TOWN, 23rd August 1813.

SIR,—Having determined on immediately building Storehouses in the Naval Yard at Simons Town, purchasing some houses, and

making such other arrangements for the removal of the Naval Establishment as may be necessary for carrying into effect the orders of the Lords Commissioners of the Admiralty on that head.

And a considerable sum of money will be required for these purchases and for erecting the necessary buildings.

I have to request Your Excellency will be pleased to inform me whether the Colonial Government will grant any aid towards this branch of the public service, and to what extent?

As the issuing a paper currency must be advantageous to the Colonial Government, and as the grand point with the Government must be to hold a security for the paper so issued, I presume there can be no objection to any increase of paper as loan through the Government Buildings to be erected and purchased in Simons Town.

In the event of aid being thus granted, the advantage accruing to the British Government will be that only one third of the money necessary to carry into effect the wishes of His Majesty's Ministers will be required to be drawn from England. I have &c.

(Signed) G. DUNDAS, Commissioner.

[Copy.]

Letter from SIR JOHN CRADOCK to COMMISSIONER DUNDAS.

GOVERNMENT HOUSE, *August 24th* 1813.

SIR,—I have the honor to acknowledge your letter of yesterday respecting the house at Simons Town now occupied as quarters and Mess House of the Regiment in Garrison, and proposing the house of Mr. Sertyn as an equivalent, if it should be found fit to answer the same military purposes.

I shall lose no time in directing Major General Baird, the Commandant of Simons Town, to make a full report upon the subject, and I shall have great pleasure in following your wishes upon this part of the general design in agitation, if it can be done without prejudice to the Military service, and the indispensable conditions of public security which govern all Colonial property, be made of equal avail. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

*Letter from SIR JOHN CRADOCK to COMMISSIONER DUNDAS.*GOVERNMENT HOUSE, *August 24th 1813.*

SIR,—In reply to the honor of your letter of yesterday requesting to know whether the Colonial Government will grant any pecuniary aid, and to what extent, in the intended removal of the Naval Establishment from Cape Town to Simons Town, I hasten to say that as far as can depend on me nothing that is practicable will be left undone to advance this branch of the public service.

I lament, however, the necessity to add, that local circumstances, and the peculiar nature of public property in this Colony, will interpose many obstacles which it may not be easy to surmount, and which Government could not well employ direct authority to remove.

The general tenor of such difficulties has been strongly stated in a former correspondence between Lord Caledon, my predecessor, and Admiral Stopford, and in conversation the other day I was anxious to make the same explanation to you at the earliest moment.

The chief object in the letter you have now favored me with appears to be the suggestion and wish that a certain amount of new paper money should be created to meet the impending expense, and thereby to avoid the necessity of drawing upon England for so large a sum as must otherwise be required.

The advantage of this measure is certainly obvious, and what I should adopt, at your desire, had I the power, but by the annexed extract from my instructions you will perceive that I am entirely prohibited from any such proceeding, without the special authority of the Crown.

The next point which it seems necessary to make fully known, and impress is, that the funds of the Lombard Bank are the property of the Public, not of the Government, and that the Regulations and restrictions of that Bank must be as strictly adhered to on the part of Government as on that of any individual.

From this consideration therefore, and the further view that all the public buildings &c. of the Colonial Government (to an extent difficult to define) are esteemed the security for the paper currency, or sums more specially advanced upon them, it follows that any

disposal of them, except on appropriate grounds, seems in the first instance impracticable; and if even it is to be managed, that it can alone be effected by the transfer or substitution of security of equal and satisfactory value.

It is so difficult in a letter to explain all that arises upon a subject which goes to a much greater length than the financial point of view, and under future contingencies embraces so much political reasoning, that I am to propose that an interview take place of the several persons and authorities interested upon the present occasion (The Governor, the Admiral, the Colonial Secretary, the Commissioner, and the President of the Lombard Bank) when the entire case will be explained and discussed, and then such measures will be adopted by all parties as can best advance the public service, without causing injury or risk to the situation and rights of individuals.

As the Admiral is confined to his room, I take the liberty to further suggest that the meeting take place at the Admiralty House at twelve o'clock on Thursday next. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 24th August 1813.

SIR,—I avail myself of the return of the *Cormorant* Storeship to forward to your Lordship Fifty Half Aams of Constantia Wine.

I have &c.

(Signed) J. F. CRADOCK.

[Original.]

General Monthly Return of Officers belonging to the several Corps serving in the Cape of Good Hope, 25th of August 1813.

This Return shows 194 officers of all ranks at the Regimental Head Quarters or on detached duty at the Station, and 49 officers of all ranks on Staff employ.

[Original.]

General Monthly Return of the Sergeants, Trumpeters, Drummers, and Rank and File of the several Corps serving in the Cape of Good Hope, 25th August 1813.

Corps.	Head Quarters.	Effective Strength, exclusive of those sent or left at Home.					
		Sergeants.	Trumpeters or Drummers.	Rank and File.			
				Present and fit for Duty.	Sick.	On Command.	Total.
21st Light Dragoons .	Cape Town	52	10	636	19	52	707
Royal Artillery . .	Do.	6	6	315	11	2	328
Gunner Drivers . .	Do.	4	1	91	5	..	96
Royal Sappers and Miners }	Do.	2	..	11	1	..	12
60th Foot	Simon's Town	53	21	570	12	378	960
83rd Foot	Cape Town	55	22	909	27	2	938
93rd Foot	Do.	51	22	953	12	4	969
Cape Regiment . . .	Graham's Town	31	19	..	..	603	603
Garrison Company . .	Wynberg	6	1	111	2	..	113
Total		260	102	3,596	89	1,041	4,726

(Signed) J. F. CRADOCK, Lieut. Gen.

[Original.]

Letter from CHIEF JUSTICE TRUTER to SIR JOHN CRADOCK.

CAPE TOWN, 26th August 1813.

SIR,—I have the honor to return herewith your Excellency's dispatch relative to the late regulations upon the Grants of Land, and I beg leave to express my warmest acknowledgments for the favorable light in which your Excellency's goodness has been

pleased to place my dutiful endeavours to be subservient in promoting the welfare of my native Country, in which your Excellency's paternal administration has laid such foundations for securing property, universal justice, and moral education that the superstruction may proceed to any length without ever shaking them. In short, if successive Governments only keep open the roads now paved, that is, do not destroy or neglect what has been done, true attainable prosperity will find its own way. I have, &c.

(Signed) J. A. TRUTER.

[Copy.]

*Memorandum for His Excellency the Governor, by the President
of the Lombard Bank.*

In answer to the questions submitted by the Commissioner Dundas, whether any arrangement can be made with the Lombard Bank in regard to the advance of money for the purchase and erection of Buildings at Simons Town for the Naval Department, I have to observe that as to the first:

“Whether the Colonial Government will consent to advance money in the usual manner, taking the Buildings purchased or to be erected in security?”

It appears to me that the sums necessary to accomplish so extensive and expensive an object would be infinitely too great to admit of a complete assistance from that Board, and that whatever assistance it could afford towards accomplishing an object of so distinct a nature would greatly militate from the real object of the Establishment, that of affording succour and relief to that part of the community whose momentary wants and useful speculations were carried on and upheld through this channel.

The Capital of the Lombard Bank is at the moment in complete possession of the public, subject to the regulations established by my Lord Caledon, the holders of which being subjected after the expiry of two years from the date of their loans to repay annually a certain proportion of the sums so borrowed, and which may annually amount to about 80,000 Rixdollars independent of transfers of property mortgaged to the Bank on which 20 per cent is directed to be received. The act of dedicating the whole of

this sum to the foregoing object would perhaps afford but a very partial assistance. Thus it is to be considered whether this sum should be devoted to its intended object, or devoted to one which may possibly be considered of a nature paramount to it.

If this capital had been considered liable to be employed in any other way than that for which the Establishment was actually created, the late Government previous to the capture in 1806 would not have deemed it expedient to have created a specific sum for the erection of public Buildings, &c., nor subsequently the British Government by directing the issue of 500,000 Rixdollars for a similar purpose, if they had not considered these funds as sacred to the object of their creation, as well as every other fund as having its appropriate destination.

In changing the place of an Establishment so important as that of the Naval Department, the necessity of recurring to the same measure of creating a temporary capital, it may be presumed would have been resorted to, because it is evident that if funds could be found from any channel which the Government had it in its power to apply and make use of, it would naturally have done so in the previous instance, and consequently have only involved itself in a responsibility equal to the object it had in view, so that the above mentioned Rixdollars 500,000 would not have been created for the purpose specified, or rather the gross amount thereof, if the resources of the Colony admitted the means of diminishing the sum so to be issued, and therefore in applying this fact to the second question, whether

“The Government would prefer to advance a specific sum upon the whole of the buildings belonging to, or to belong to, the Naval Department?”

It will remain entirely with His Excellency whether the British Government has vested in him sufficient power to create a Capital upon the same principle which induced the creation of this 500,000 Rixdollars which could alone have been sanctioned but from evident necessity, the Government having no other means to effect its views.

In regard to the newly created Discount Bank, it is a mere Bank of deposit, taking interest from its means of discounts and giving interest on deposits for a specific period intended to be productive. The limitation of the discounts to any firm, or individual, proclaims the trifling and momentary assistance which

could be derived from this channel, so that upon the whole view of the case the Lombard Bank appears not only precluded by the principles of its establishment but by its rules and regulations in any way competent to afford a favourable reply to the question proposed.

Setting aside for a moment the question in regard to the necessity of having created this 500,000 Rixdollars. If the Revenues of the Colony exceeded its expenditure, the surplus balance in the treasury might be devoted to this important object, provided circumstances did not require a sum applicable to unforeseen contingencies. The civil part of the Establishment bears distinctly upon the Revenues of the Colony, not so in regard to the Military and Naval, and therefore until the security of the one was established, it would be hazarding too much from its precarious revenues to divert a sum at any moment liable to be called forth in aid and assistance of the other, without an apparent and most positive necessity.

From this short sketch I presume to suggest to His Excellency that it would not only be impolitic, without a very affluent treasury, to afford the assistance required if from this channel; but wholly impracticable to accomplish it thro' the Lombard Bank without a perfect subversion of every principle which determined the existence of so important and essential an establishment, embracing such a variety of interests, and which the public look up to as the certain channel of supplying their wants, when urged by necessity, or in supporting their speculations, in which the Colony may be supposed to derive an eventual benefit.

(Signed) FRANCIS DASHWOOD.

August 31st 1813.

[Copy.]

Letter from COMMISSIONER DUNDAS to SIR JOHN CRADOCK.

NAVAL YARD, CAPE TOWN, 2nd September, 1813.

SIR,—I have the honor to inform you that I have directed the *Cormorant* Store Ship to sail for England on Sunday morning next, and that it will be of much import that I should be able to state to my Lords Commissioners of the Admiralty what progress is likely

soon to be made in the removal of the Naval Establishment to Simons Town.

I have therefore to request Your Excellency will be pleased to favor me with the result of your deliberations relative to the advance of money for carrying on the Public Service at Simons Town, and also with the opinion formed on Mr. Sertyn's house proposed as a Mess House for the Officers of the Troops.

I have &c.

(Signed) GEO. DUNDAS, Commissioner.

[Copy.]

Letter from SIR JOHN CRADOCK to COMMISSIONER DUNDAS.

GOVERNMENT HOUSE, *September 2nd*, 1813.

SIR,—I have the honor to forward to you a memorandum received yesterday from Mr. Dashwood, President of the Lombard Bank, in answer to the queries drawn up at the meeting the other day.

The consideration of it will probably lead to the necessity of another general interview, for the President in the present explanation brings to light many more obstructions upon the proposition of a loan from the Lombard Bank than I was aware existed, and which I fear it will prove very difficult to remove. In any further discussion upon the subject, I can only repeat that upon the pledge of the British Government to any part of the transaction in question, if it can be so stated by persons competent to give the security, I should have no hesitation to overrule common objections, and go to any length; but if the loan in agitation is only to be transacted upon the usual foundations, it does not seem practicable to render a transitory Colonial Government or myself responsible for a deviation from fixed regulations. In no one instance has the Government yet dictated to the Lombard Bank.

If agreeable to you, I shall be happy to meet again at the Admiral's to-morrow at half past twelve, and will request the President to attend. I have not yet received the report about Mr. Sertyn's house from Major General Baird, but have dispatched a Dragoon to press for it. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *September 18th, 1813.*

MY LORD,—In conformity to your Lordship's dispatch No. 13, of the 26th December 1812, relative to the removal of the Naval Establishment from Cape to Simonstown, I took an early opportunity to communicate to Rear Admiral Tyler and Commissioner Dundas, that the Colonial Government would be ready upon all occasions to give every aid within its power to the intended operation.

The annexed correspondence has since taken place between the Commissioner and myself, the perusal of which will put your Lordship in full possession of the case as it stands at present, and upon which I must await your Lordship's further commands.

I trust I need not say that nothing but real difficulties would stop for a moment the full course of every assistance I could render, and no trifling inconvenience or obstruction shall stand in the way before I may receive further instructions from your Lordship; but the loan of a considerable sum of money from the Lombard Bank, contrary to the fixed regulations, and upon my authority alone, beyond the support of special instructions from His Majesty's Government, and the surrender of the military buildings at Simonstown without the possibility of providing for the displaced officers and men until others were prepared in their room, were altogether circumstances I could not venture to adopt without previously submitting them to your Lordship.

It is known to your Lordship that Simonstown in every Military point of view (and now more especially from the establishment of dock yards) is esteemed the second place of interest and consequent protection in this Colony, and were the Regiment, or any considerable portion of it, to be withdrawn, it would excite great surprise and involve me in very unpleasant responsibility. In my last communication to the Commissioner I have expressed this opinion, and repeat it, that the Military Buildings from their situation &c. appear so eligible for the Naval purposes that I conceive they should be transferred, but that equal accommodation for the Officers, Men, and Horses, should be erected contiguous to

the main Barrack, conformably to the original proposition from Commissioner Shield.

I suppose that Commissioner Dundas will forward an estimate of the supposed expense as soon as practicable, which I also should have done for the sake of elucidation and promptitude, if there had been time to prepare one of tolerable precision, but every circumstance relative to building is so extravagantly high at Simons Town, as most things must be transported from Cape Town, that I apprehend any estimate (and from all experience I well know it will fall far short of the real case) will produce great surprise, if not hesitation.

Though the result in the end must prove the same, yet I am to suppose that the expense of a new Barrack will be defrayed by the Naval Department.

I conceive it right to lay before your Lordship that the Barrack Department here, from its very defective constitution, is entirely inadequate to any such undertaking; and whether this work is to be the concern of the Naval or Military Establishment (alike with Engineers and all others) it can only be effected by the common mode of advertisement and proposals. I have, &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from CHIEF JUSTICE TRUTER *to* SIR JOHN
CRADOCK.

CAPE TOWN, 22nd September 1813.

SIR,—I have the honor to acknowledge the receipt of your Excellency's letter of the 20th August last, the very flattering contents of which I did not fail immediately to communicate to the Court, and particularly to those Members through whose activity your Excellency has been more especially induced to consider the Proceedings of the Court in such a favorable light.

I have particular satisfaction in assuring your Excellency, in the name of the Court, that we are unanimously convinced that your Excellency's intentions respecting the administration of Justice are immediately directed to secure the Burgherly freedom, and to

extend to all equal and impartial justice. To coöperate in everything which your Excellency may conceive as tending to promote this great object will always be a real gratification to the Court, not only from a sense of duty, but also from a thorough conviction of the essential utility of the measure for the most material interests of this Colony.

With respect to myself, I beg leave to say that it has afforded me the greatest satisfaction that the publicity of the proceedings of the Court has so particularly attracted your Excellency's attention, for, besides that the general principles of justice require that in the administration of it the proceedings should be public, and consequently such a measure must be deemed useful to the Colony at large, your Excellency has moreover most justly added as a powerful motive thereto, the present extraordinary state of this Settlement in which a great number of actually born British subjects are obliged to subject themselves to its laws and customs, for although it must be considered as an accidental necessity that so long as the lot of this Colony is not decided, or that the Sovereign has not altered the laws in the same, all those who come to domiciliate here must without distinction submit to the existing laws of the place, still however this state of things cannot fail of making an unfavourable impression, and when we add to this that the manner of carrying on the proceedings with closed doors spreads a kind of obscurity over the administration of Justice, which, when both Law and Judge are strange, must occasion a justifiable anxiety in the minds especially of British subjects, who in point of trial are privileged beyond all other nations; it then appears to me, with due submission, that Government can hardly any longer hesitate to give to the proceedings of the Court all possible publicity and evident impartiality, under existing circumstances, without really giving way to just reason of complaint in the minds of British subjects residing here.

Impressed with these ideas, and convinced of the utility which the publicity of judicial proceedings must prove to my native country at large, it has been a most agreeable task to me to have been charged by your Excellency with the consideration of the matter, and with the framing of a plan or manner of proceeding adapted to the purpose; nor have I, as far as was in my power, delayed availing myself of the opportunity, and I herewith take the liberty to submit to your Excellency's attention the enclosed

sketch of a Proclamation for the introduction of a public mode of proceeding before the Court of Justice, including all and every part of its judicial functions.

I have been obliged in this respect to confine myself to the spirit of the manner of proceeding, which has been adopted in the Republic of the United Netherlands, but I do not believe that this obligation has been in the way of the attainment of the main object, which may perhaps serve as a proof that the Dutch manner of proceeding has by no means rendered necessary that the proceedings in this Colony should be carried on in a close Court, but that it must be much rather attributed to the former prevalent Colonial system, from which the Batavian Government, in the 38th Article of the Instructions for the Court of Justice, has partly deviated; but the total annihilation of which appears to have been reserved for the British Government, under your Excellency's paternal administration.

In order to introduce the publicity of trial once for all into every part of this Colony, I have taken the liberty also to frame a second Proclamation, by which the Boards of Landdrosts and Heemraden are directed to proceed in the discharge of their judicial duties, on the same footing as the annual Commissions of Circuit. This I have made a separate business of, because the manner of proceeding which I have suggested for the Court is not applicable to that summary mode which those boards agreeably to their instructions are obliged to observe, and which, in my opinion, the interests of justice in the present state of the Country districts require to be continued, particularly as the same is conformable to the Proclamation of the 16th May 1811, the good effects of which have always fully appeared.

I however submit both these subjects to the wiser and more enlightened judgment of your Excellency, and I consider myself very fortunate having again in this respect had an opportunity of being allowed to render my feeble exertions conducive towards the promotion of the real interests of this Colony under the liberal Government of your Excellency. I have, &c.

(Signed) J. A. TRUTER.

The draft proclamation enclosed in this letter was issued on the 25th of September.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas the Proceedings before the Worshipful the Court of Justice, with open doors, has, by the 38th article of their instructions, been confined to the pleadings alone in the full Court; and whereas it has appeared to me to be of essential utility, as well for the dignity of the administration of justice, as towards imprinting on the minds of the inhabitants of this Colony the confidence "that equal justice is administered to all in the most certain, most speedy, and least burthensome manner,"—that all judicial proceedings should be carried on in open Court, the beneficial effects of which have been more especially confirmed by the result of the publicity observed in the proceedings before the different Commissions of Circuit in the country districts, agreeably to the Proclamation of the 16th May 1811:—I have therefore judged proper to order and direct, as I hereby order and direct accordingly, that from the 11th of November next, the day on which the present vacation ends, not only all pleadings, but also all other proceedings, as well before commissioners as before the full court, shall be carried on with *open doors*, in the presence and hearing of every person who may think proper to attend. And, in order to insure the proper effect of this measure, I have further deemed it expedient to amplify the instructions for the Worshipful the Court of Justice with the following rules and regulations, namely:

Criminal Cases before the full Court.

Art. 1. In all criminal cases which, from their nature, must be prosecuted before the full court, all informations, after a decree of apprehension, or summons to attend in person shall have been issued by the court, shall be taken with *open doors*.

2. All the witnesses consequently shall be examined with *open doors*, each separately, before commissioners of the court, without however that the one shall have any inspection or communication of what has been deposed by the other; the examinations of the witnesses, and the records of the evidence, to be made in the same manner and form as hitherto observed.

3. The accused shall also in like manner be heard in open court

sketch of a Proclamation for the introduction of a public mode of proceeding before the Court of Justice, including all and every part of its judicial functions.

I have been obliged in this respect to confine myself to the spirit of the manner of proceeding, which has been adopted in the Republic of the United Netherlands, but I do not believe that this obligation has been in the way of the attainment of the main object, which may perhaps serve as a proof that the Dutch manner of proceeding has by no means rendered necessary that the proceedings in this Colony should be carried on in a close Court, but that it must be much rather attributed to the former prevalent Colonial system, from which the Batavian Government, in the 38th Article of the Instructions for the Court of Justice, has partly deviated; but the total annihilation of which appears to have been reserved for the British Government, under your Excellency's paternal administration.

In order to introduce the publicity of trial once for all into every part of this Colony, I have taken the liberty also to frame a second Proclamation, by which the Boards of Landdrosts and Heemraden are directed to proceed in the discharge of their judicial duties, on the same footing as the annual Commissions of Circuit. This I have made a separate business of, because the manner of proceeding which I have suggested for the Court is not applicable to that summary mode which those boards agreeably to their instructions are obliged to observe, and which, in my opinion, the interests of justice in the present state of the Country districts require to be continued, particularly as the same is conformable to the Proclamation of the 16th May 1811, the good effects of which have always fully appeared.

I however submit both these subjects to the wiser and more enlightened judgment of your Excellency, and I consider myself very fortunate having again in this respect had an opportunity of being allowed to render my feeble exertions conducive towards the promotion of the real interests of this Colony under the liberal Government of your Excellency. I have, &c.

(Signed) J. A. TRUTER.

The draft proclamation enclosed in this letter was issued on the 25th of September.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas the Proceedings before the Worshipful the Court of Justice, with open doors, has, by the 38th article of their instructions, been confined to the pleadings alone in the full Court; and whereas it has appeared to me to be of essential utility, as well for the dignity of the administration of justice, as towards imprinting on the minds of the inhabitants of this Colony the confidence "that equal justice is administered to all in the most certain, most speedy, and least burthensome manner,"—that all judicial proceedings should be carried on in open Court, the beneficial effects of which have been more especially confirmed by the result of the publicity observed in the proceedings before the different Commissions of Circuit in the country districts, agreeably to the Proclamation of the 16th May 1811:—I have therefore judged proper to order and direct, as I hereby order and direct accordingly, that from the 11th of November next, the day on which the present vacation ends, not only all pleadings, but also all other proceedings, as well before commissioners as before the full court, shall be carried on with *open doors*, in the presence and hearing of every person who may think proper to attend. And, in order to insure the proper effect of this measure, I have further deemed it expedient to amplify the instructions for the Worshipful the Court of Justice with the following rules and regulations, namely:

Criminal Cases before the full Court.

Art. 1. In all criminal cases which, from their nature, must be prosecuted before the full court, all informations, after a decree of apprehension, or summons to attend in person shall have been issued by the court, shall be taken with *open doors*.

2. All the witnesses consequently shall be examined with *open doors*, each separately, before commissioners of the court, without however that the one shall have any inspection or communication of what has been deposed by the other; the examinations of the witnesses, and the records of the evidence, to be made in the same manner and form as hitherto observed.

3. The accused shall also in like manner be heard in open court

on the crime with which he is charged, and the answers taken down, as far as practicable, in his or her own words, and with the least possible alteration in the style and expression, and thereupon read to the accused person.

4. The examination of the witnesses and of the accused being concluded, the confrontation, as well of the accused with the witnesses, as of the accused with his or her accomplices, should there be more than one implicated in the same crime, shall be publicly made; and the investigation shall be continued in this manner till that, after all the circumstances have been fully scrutinized, as far as the nature of the case will allow, the commissioners shall have declared that the examination is closed.

5. This declaration, however, shall not be made before that it shall have appeared to the commissioners that all the documents relative to the business in question, including therein the preparatory informations, shall have been read to the accused, with *open doors*, at such part or parts of the examination where it may be considered as applicable, conformably to the spirit of an equitable and impartial administration of justice.

6. After that the investigation shall be declared closed, the further proceedings before the full court shall not only be carried on with *open doors*, but also orally; which shall be observed as well in the defence of the accused, as in the prosecution of His Majesty's Fiscal, or the landdrost of the country districts respectively.

7. In order to attain the object in view with order and regularity, the court shall assemble every Thursday, the vacations excepted, and alternately try one week civil, and the other week criminal cases, with *open doors*; and for as far as relates to the criminal, the Court shall take care that all cases pending be prosecuted, and the proceedings closed, so that sentence may be passed without interruption.

8. In criminal cases, belonging in the first instance to the cognizance of the full Court, which are brought forward by simple citation, (without a previous decree of apprehension, or summons to appear in person) by His Majesty's Fiscal, or any of the respective landdrosts, all the proceedings shall be carried on orally in open court, and no delay allowed, except for important reasons, and all the evidence relative to such cases shall also be reheard and sworn to in open court.

9. Besides those regulations, it is recommended to the court that all criminal cases, for as far as the nature of the same does not absolutely prevent, be examined into, and decided on, in the full court, without previously sending the documents round to all the individual members for their separate perusal.

Criminal Cases before Commissioners.

10. All misdemeanours regarding the Colonial Revenue and other transgressions of lesser import, the cognizance of which in the first instance belongs, agreeably to the Proclamation of the 17th July 1797, to Commissioners of the Court, shall, conformably to said Proclamation, remain subject to their cognizance and decision ; with this understanding, however, that in all such like cases the proceedings shall likewise be carried on with *open doors*, and further observed the regulations hereafter prescribed in this respect.

11. On the first Monday of every month, the Commissioners, to whose turn it falls, should hold their sitting for the hearing and determining of those cases, on which occasion, first the fiscal, and then the respective landdrosts, or their agents, shall deliver over a list of the cases they mean to bring forward, whereupon the Commissioners shall regulate the order in which the different cases are successively to be heard, following as near as possible the time when the transgression took place, unless that one particular cause might require a more speedy trial than others ; in which case the Commissioners shall have the authority to give the preference to such case, provided the reasons for so doing be recorded.

12. The session being once opened is to be considered as continued, and as one and the same session, although all the cases on the list may not be brought forward and decided on one and the same day, and the parties and their witnesses who could not be heard the first day shall be obliged again to appear on such following day, as shall be made known to them by or in the name of the Commissioners.

13. The fiscal and other officers of justice, receiving a complaint which falls within the tenor of those to be heard and decided by Commissioners, is to inform the accused thereof; and he is to take down, as well from him as from the complainant, the names of all the witnesses who can give evidence for and against the charge.

14. When the complaint be of such a nature as to be capable of accommodation between the accuser and the accused, without prejudice to the rights of Government, the fiscal or landdrosts to whom the charge is preferred shall use his endeavours for that purpose, previous to its being brought before Commissioners; and in all such cases, if the endeavours of the public officer should prove fruitless, a record shall be made thereof at the sitting of the Commissioners.

15. The same obligation shall also rest on the Commissioners in all cases which, from their nature, are capable of being so terminated.

16. The fiscal or landdrost, to whose competency the cause in question belongs, shall summon the accused, as well as all the witnesses both for and against, to appear before the first session; which summons shall be served at least three days before, and shall contain the charge against the accused, in order that he may be prepared to make his defence.

17. After that the Commissioners shall have prescribed the order in which the different cases are to be successively heard and decided, the public prosecutor shall open the case in presence of the accused, with a brief narrative of the circumstances, as laid before him; hereupon the complainant is to relate his charge, and state who are his witnesses; those evidences are then to depose separately, and may afterwards be questioned by the accused, should he deem proper: upon which he or she is to bring forward whatever he or she may deem necessary for his or her defence, together with their witnesses, who, after they have given their evidence, may be cross-examined by the complainant. The Commissioners, as well as the prosecutor, shall be at liberty to put such question or questions to the complainant and the witnesses as they may judge necessary for the elucidation of the case; but they shall not interrogate the accused without a decree, given by the full court, for that purpose.

18. In all proceedings which, agreeably to the Proclamation of the 17th July, 1797, are carried on before Commissioners of the Court, the witnesses, before that they give their evidence, shall be sworn in presence of the accuser and accused respectively, after having been previously informed in what cases and respecting what persons they are to be examined, in order to show in what relation such witnesses stand with respect to the parties or the case itself.

19. The investigation of a case being closed, the public prosecutor is to make such declaration or claim, either with respect to the accuser or to the accused, as he may deem advisable; whereupon the Commissioners shall pass such sentence as they may judge proper in equity and justice.

20. The accuser not appearing on the appointed day, he is to be deprived of that instance, and not allowed to prefer his complaint before the next ensuing session, while besides he shall be obliged, before his readmission, to pay the expences of the witnesses and other costs incurred.

21. Should the accused not appear, the first default shall be granted against him, with the penalty attached thereto, and he shall be again summoned to appear, within the shortest possible time, not less however than 24 hours; if he does not appear on the second summons, the second default to be granted at the request of the prosecutor, with the penalty attached thereto, and the complainant with his witnesses heard in the absence of the accused; while, finally, in case the defendant should not appear on the third summons, sentence shall be pronounced against him by contumacy on the charge and the evidence brought forward.

22. A witness not appearing, default to be granted against him, and for the proof thereof a second summons, to give evidence at his own expence, on pain of imprisonment; and should he not appear on this second summons, also to be at a short time, but not less than 24 hours, the imprisonment shall be adjudicated, and carried into effect according to law.

23. The examination of the case shall however in the meantime be commenced and carried on, and if it can be brought to a sufficient degree of clearness, the Commissioners shall have the authority to proceed to final judgment without hearing the absent witness.

24. When a cause cannot be prosecuted through the legal absence of the parties, or any of the witnesses, a kind of prolongation, as short however as possible, shall be allowed.

25. In a case, where the investigation has once been begun before Commissioners, it shall be continued before the same Commissioners till that it be terminated, notwithstanding the month in which the trial was commenced may have elapsed.

26. With respect to a rehearing (*reauditio*) before the full Court, what has been enacted by the Proclamation of the 22nd

July, 1797, is still to remain in force, with this understanding, however, that no new documents or evidence shall be produced in the rehearing, without especial admission of the court, on grounds acknowledged in law; but the records held by the Commissioners, containing everything which was brought forward or exhibited before them, shall alone be produced to the full Court, and the rehearing of the cause shall be pleaded and terminated by *claim, answer, reply, and rejoinder*.

Civil Cases.

27. In all proceedings before the full court in civil cases, the 38th article of their instructions shall be specially observed, by which it is prescribed "that all pleadings shall be made with open doors, unless that the court, in particular or important cases, may direct otherwise, of which the Governor shall be previously informed."

28. The evidence of all witnesses in civil cases shall be revised and sworn to in open court before Commissioners, as also all questions put by the parties to any of the witnesses.

29. All proceedings before Commissioners, whether in cases referred to them for amicable accommodation, or for investigation, shall take place with *open doors*, with the exception alone of cases in which decency or propriety forbids publicity; for example, disputes between man and wife, parents and children, or other family secrets; in which cases it shall be left to the discretion of the Commissioners to have the proceedings carried on with closed doors.

30. In all cases, both criminal and civil, when the parties or witnesses do not understand the Dutch language, the sworn interpreter of the Court shall attend for the English, and for persons belonging to any foreign nation, one of the other sworn translators, to be specially sworn for the interpretation of their language; and in cases where any document must be signed, the signature of the interpreter shall also be affixed thereto.

31. Finally, it is recommended to the Court of Justice to direct and conduct all proceedings which may in future be brought before the full Court or Commissioners from the same, and which are not particularly specified herein, agreeably to the true intent and meaning of this Proclamation, so that the beneficial object of this measure may be attained in the fullest sense.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 25th day of September 1813.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 2nd October, 1813.

MY LORD,—I take the liberty to solicit your Lordship's attention to my former dispatch, No. 56, of the 11th August, when I transmitted to your Lordship the last reports from the Commission of Circuit, wherein you will find that the just and enlightened persons who executed that trust had among other valuable subjects of recommendation warmly urged the adoption of publicity in all the legal proceedings throughout the Colony, in opposition to the established usage hitherto.

Eager to embrace any opening to the introduction of a measure which had long occupied my thoughts, but which I could scarcely indulge the hope to accomplish until the whole body of the existing laws might undergo revision and alteration, I lost no time in replying to the Commission, through the Chief Justice, to return my thanks and invite in the warmest manner the fullest consideration of this important subject, calculated at once to secure in the most sensible degree substantial justice to the whole Community, and above all other measures to reconcile the minds of the English Inhabitants to Dutch Jurisprudence, and allay those irritations which often break out, or are at least the subject of daily unpleasant conversation.

I have now the satisfaction to transmit to your Lordship the full result of the late judicial deliberations, and can assure your Lordship that it is the spontaneous and unbiassed act of the whole members of the Court of justice, led forward to so happy, and I may add unexpected a completion by the Chief Justice himself, Mr. Truter, whose valuable services towards His Majesty's Government and in the promotion of the general prosperity of this Colony upon the most enlightened principles cannot be too highly appre-

ciated, and for which I shall also ever feel myself personally grateful.

Though I admit the most pleasing prospects upon the future administration of justice, yet as the general subject, if the Colony remain in the possession of the English, must undergo a serious and deep discussion, I shall as soon as the translations can be procured transmit to your Lordship some memorable cases that have occurred since my arrival, which will fully prove how much the substitution of English law and practice to a great extent is required, and at the same time mark, perhaps for my own vindication somewhat, that I had only to lament the strange perversion of justice, as much from inveterate habits as false principles, that prevailed, but could in no shape apply a remedy.

I have &c.

(Signed) J. F. CRADOCK.

I avail myself of this opportunity to acquaint your Lordship that in a few days I shall set out to visit the Interior and Boundaries of this Colony, and as I shall be absent from Cape Town about three months, it is possible some delay may appear in the immediate attention I should otherwise pay to any commands I may have the honor to receive from your Lordship.

[Original.]

Letter from J. H. ADDINGTON, ESQRE, to HENRY GOULBURN, ESQRE.

WHITEHALL, 5 October 1813.

SIR,—I have received and laid before Lord Sidmouth your letter of the 1st of this month forwarding the copy of a dispatch from Sir John Cradock, dated the 3rd of May last, together with its inclosures, detailing the trial of Gerrit Renneke for murder at the Cape, and the reasons which have induced the Governor to suspend the execution of the sentence, and expressing Lord Bathurst's hopes that Lord Sidmouth will concur with his Lordship in viewing the present case as one in which, for the reasons therein mentioned, the punishment of death may at least be safely commuted for transportation.

In reply I am to acquaint you for Lord Bathurst's information that Lord Sidmouth concurs in all the sentiments expressed in your letter, and will humbly submit to the Prince Regent to commute the sentence of Gerrit Renneke to transportation for life.

In compliance with your request the several documents forwarded in your communication are herewith returned. The pardon will be transmitted to you, as soon as it has received the signature of the Prince Regent. I have etc.

(Signed) J. H. ADDINGTON.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 9th October 1813.

SIR,—Your Dispatches to No. 54 inclusive have been received and laid before the Prince Regent.

With respect to the case of Gerrit Renneken, transmitted for consideration in your dispatch No. 50, the long interval which must elapse between the condemnation of the prisoner and the time when he would be executed, if an order to that effect were to be given from hence, and the hopes of pardon which the reference home must naturally have excited in the prisoner, are two considerations which are perhaps sufficient to decide it in a way favorable to the prisoner, and have certainly much more weight in this decision than the defence set up by the prisoner's friends and relations. There is no proof of insanity, none of idiocy. His answers to interrogatories are as good as a boy of his age, without a cultivated understanding, could have been expected to give. He acknowledges what he knows he could not deny, attempts to set up a defence by saying that he thought the gun had no priming, and qualifies that assertion when he finds that he cannot maintain it. He is not convicted by his own testimony, but by that of the Hottentots present. Having failed in his first defence, viz. that he thought that the gun was not primed, and therefore that the gun would not go off, he sets up the other defence that he was provoked to the act by stones being cast at him. This defence goes a great way to prove the wilful-

ness of the act, and to give the colour of Murder to it; but there is nothing of idiocy in his having advanced it.

There is another defence set up, which is the prevailing notion in the Cape of the degraded and debased state of the Hottentots, and that the boy might therefore have been under the impression that the killing a Hottentot was not punishable as any other murder would be.

If there had appeared in the evidence any trace of this notion having been in the mind of the prisoner, it would have been the strongest argument for letting the Law take its course. No fair opportunity should be omitted of marking, in the most striking manner, the displeasure of His Majesty's Government at an opinion so contrary to every principle of Morality and Religion.

Had the prisoner been of an elevated rank there is too much reason to fear that he might have been justly suspected of having been actuated by this motive. But the parents of the prisoner are poor, in a wandering state with the Hottentots. They were in partnership with Hottentots, the Prisoner on the same footing with the boys of the same age with himself, who were Hottentots. One of these boys is stated to have had also a gun, to have pointed it at this boy; and there does not appear to have been by the evidence brought against the prisoner anything either in what the two witnesses say, or the manner in which the evidence is delivered, that this superiority was felt either by the prisoner or the parties concerned.

In not letting the law take its course, the utmost care must be taken that this Act of Mercy does not in the smallest degree proceed from the situation in life of the Bastard Gerrit, but that this circumstance would have been in every other instance an additional argument for enforcing the Law.

The youth of the prisoner, a neglected education, and wandering habits of life, which must retard the development of the understanding, the want of malice, of which the testimony brought against him nearly acquits him; and above all the great length of time which must now take place between his conviction and his execution, are the grounds on which alone the commutation of his punishment can be sanctioned.

I lost no time in forwarding to Lord Castlereagh the Inclosures in your dispatch of the 22nd April last, and I could not refrain from drawing his particular attention to the refutation, afforded

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *October 13th 1813.*

MY LORD,—I have the honor to lay before your Lordship certain papers relative to a person of the name of Zeebouwer, who states himself to be free, and to have been brought to this Colony in 1790 by a Mr. Eylbrechts, then a Lieutenant in the Dutch East India Company's service, and now living in London, was left with a Mrs. Swanefelder, by whom he is now detained as a slave.

I have therefore to request that your Lordship may be pleased to direct such steps to be taken in this case as your Lordship will deem proper, so as to ascertain whether the statement of the person in question is correct or not. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from LIEUTENANT COLONEL TORRENS *to*
SIR JOHN CRADOCK.

HORSE GUARDS, 13 *October 1813.*

SIR,—It being the intention of His Majesty's Government that the 93rd Regiment shall be brought to Europe, I am commanded by the Commander in Chief to desire that this Corps may be immediately embarked upon the arrival at the Cape of Good Hope of Tonnage for its conveyance to its destination.

I am at the same time commanded by his Royal Highness to acquaint you that early measures will be adopted for sending a Corps to the Cape to replace the 93rd. I have &c.

(Signed) H. TORRENS.

[Copy.]

*Letter from LORD STRANGFORD to VISCOUNT CASTLEREAGH.*RIO DE JANEIRO, *October 17th 1813.*

MY LORD,—I am under the necessity of requesting your Lordship to suspend your judgment of the transactions at the Cape of Good Hope to which part of my despatch No. 113 refers, until I shall have made a full investigation of the circumstances attending them.

I did believe that those transactions existed only in the imaginations of some of the persons whose ships had been detained at the Cape, and who from a motive of revenge had spread reports so disadvantageous to the character of the Public Authorities at that Settlement.

I am now however to inform your Lordship that Sir John Cradock having furnished me with the names of the various Portuguese slave ships which have touched at the Cape of Good Hope, I have been enabled to trace these reports to their authors, who upon enquiry being made by me as to the grounds on which they had founded their statements, have offered to prove the truth of their assertions, and to demonstrate by incontestible evidence that instances have occurred of Portuguese slave ships having been detained at the Cape of Good Hope, and having been afterwards ransomed for money.

I shall proceed with all diligence in the examination of this very serious charge, and if the persons who make it shall fail to establish it in the clearest manner, I conceive that it will be my duty to call upon the Government to inflict due punishment upon them for having dared to invent such atrocious calumnies.

I have &c.

(Signed) STRANGFORD.

[Office Copy.]*Letter from LORD BATHURST to SIR JOHN CRADOCK.*DOWNING STREET, *20th October 1813.*

SIR—Your recommendation of Gerrit Renneken under sentence of Death in the Settlement under your Government for the Royal

Mercy having been submitted to His Royal Highness the Prince Regent by the Secretary of State for the Home Department, I herewith enclose the Pardon which His Royal Highness has been graciously pleased to grant, conditionally, in consideration of the circumstances represented by you in behalf of the said Gerrit Renneken; and I am to request you will give directions for his being put on board the first Convict Ship touching at the Cape, in order that the condition therein contained may be carried into effect. I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 20th October 1813.

SIR,—Your Dispatch, with its several Inclosures, replying to the Charges brought against the Government of the Cape of Good Hope, having been referred to the King's Advocate, I have the honor to communicate to you that it does not appear to him advisable that His Majesty's Government should take any steps on the subject unless the future communications that may be made from Lord Strangford, in consequence of your letter, shall render such measures necessary.

The solicitude which you have expressed for the vindication of the propriety of the proceedings of all the Public Authorities at the Cape is highly honorable to you, but he doubts whether the proposed Regulations, that, on future complaints, Lord Strangford should be directed to address himself to the Governor of the Cape without previous communication with His Majesty's Government, would be consistent with the regular forms of Government, or convenient in practice, since it might lead to the discussion of important subjects which ought not to be agitated between the Officers of distant settlements, but under the controul and direction of His Majesty's Government. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 21st October 1813.

SIR,—I have the honor to acquaint you, that His Royal Highness the Prince Regent has been pleased to appoint Lieutenant General Lord Charles Somerset to be Governor and Commander in Chief at the Cape of Good Hope.

In consequence of the very few opportunities which occur of communicating with the Settlement by means of ships of War, Lord Charles has been directed to avail himself of that afforded by a Ship of the Line which will proceed in the course of the Winter to the Cape to relieve the *Lion* on that station. Orders have also been given for the reception of yourself and family on board the *Lion*, which on being relieved will return to England. Although I am aware that by this arrangement your return from the Cape may take place a few weeks sooner than you had originally proposed, yet I have been induced to sanction it as affording the only means of adequate accommodation for the conveyance of yourself and family to England.

On the arrival of Lord Charles you will deliver over to him the Administration of the Government and the Command of the Troops; and will furnish him with such further information respecting the present state of the Settlement as may enable him to enter with effect upon the Duties of his Office. I have etc.

(Signed) BATHURST.

[Office Copy.]

Commission to LORD CHARLES SOMERSET.

George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To Our Trusty and Well beloved Charles Henry Somerset Esquire commonly called Lord Charles Henry Somerset Lieutenant General in Our Army Greeting Whereas We did by Our Letters Patent under Our Great Seal of Our United Kingdom of Great Britain

and Ireland bearing date at Westminster the Ninth day of April 1811 in the Fifty first year of Our Reign constitute and appoint Our Trusty and Well beloved Sir John Francis Cradock Knight of the Most Honorable Order of the Bath and of the Turkish Order of the Crescent and Lieutenant General in Our Army Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope in South Africa with its Territories and Dependencies as also of the Castle thereof and all Forts and Garrisons erected or established or which shall be erected or established within the said Settlement Territories and Dependencies for and during Our Will and Pleasure Now Know you that We have revoked and determined and by these Presents do revoke and determine the said recited Letters Patent and every Clause Article and Thing therein contained And further Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said Charles Henry Somerset commonly called Lord Charles Henry Somerset of Our especial Grace certain knowledge and mere motion have thought fit to constitute and appoint you and by these Presents do constitute and appoint you the said Charles Henry Somerset commonly called Lord Charles Henry Somerset to be Our Governor and Commander in Chief in and over the said Settlement of the Cape of Good Hope in South Africa with its Territories and Dependencies As also of the said Castle and all Forts and Garrisons erected and established or which shall be erected or established within the said Settlement Territories and Dependencies for and during Our Will and Pleasure And We do hereby require and Command you Our said Governor during Our Pleasure to do and execute all Things in due manner that shall belong to your said Command and the Trust We have reposed in you according to the several Powers and Directions granted or appointed you by this present Commission and the Instructions herewith given you or by such further Powers Instructions and Authorities as shall at any time hereafter be given and granted or appointed you under Our Signet and Sign Manual or by Our Order in Our Privy Council or by Us through One of Our Principal Secretaries of State And Our Will and Pleasure is that you the said Charles Henry Somerset commonly called Lord Charles Henry Somerset do take the Oaths and subscribe the Declaration which by Our said Instructions herewith given you are appointed to be taken

and subscribed by you in such manner as therein expressed And We do further give and grant unto you the said Charles Henry Somerset commonly called Lord Charles Henry Somerset or to any Person or Persons duly authorised by you in that Behalf full Power and Authority from time to time and at all times hereafter until We shall make further or other Provision touching the same to administer and give the Oaths mentioned in an Act passed in the first Year of the Reign of King George the First Intituled "An Act for the further security of His Majesty's Person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors" as the same is altered and explained by an Act passed in the sixth Year of Our Reign Intituled "An Act for altering the Oath of Abjuration and the assurance and for amending so much of an Act of the seventh Year of her late Majesty Queen Anne Intituled 'An Act for the improvement of the Union of the two Kingdoms'" as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted for High misprision of Treason to all and every such Person or Persons as you shall think fit who shall hold any Place of Trust and Profit or shall at any time or times pass into the said Settlement or shall be resident or abiding therein, except in the Case of Persons professing the Religion of the Church of Rome or other Evangelic Mode of Worship than that of the Church of England And Whereas We may find it convenient for Our service that certain Offices or Places within the said Settlement should be filled with Our Subjects observing other Evangelic mode of Worship than that of the Church of England It is therefore Our Will and Pleasure that in all Cases where such Persons shall or may be admitted into any such Office or Place the Oath prescribed in and by an Act of Parliament passed in the Fourteenth Year of Our Reign Intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America" And also the usual Oaths for the due execution of their Places and Trusts respectively shall be duly administered to them in lieu of all other Tests and Oaths whatsoever And We do further give and grant unto you full Power and Authority from time to time and as often as you shall see occasion for yourself or by any other Person or Persons to be authorised as aforesaid to administer and give the

said Oath prescribed in and by the aforesaid Act of Parliament passed in the fourteenth Year of Our Reign Intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America" to all and every such Person and Persons professing the Religion of the Church of Rome or other mode of Evangelic Worship different from that of the Church of England who shall at any time or times pass into the said Settlement or shall be residents or abiding therein in lieu of the Tests and Oaths above directed to be given to them or any of them in that behalf And We do hereby give and grant unto you the said Charles Henry Somerset by yourself or by your Captains and Commanders to be authorized by you full Power and Authority to levy arm muster command and employ all Persons whatever residing within the said Settlement and as occasion shall serve to march them from one place to another or to embark them for the resisting and withstanding all Enemies Pirates and Rebels both at Land and at Sea and (if it shall so please God) to vanquish apprehend and take them and being taken to cause execution to be done upon them according to Law or to keep and preserve them alive at your Discretion and to execute Martial Law in time of Invasion or at other times when lawfully it may be executed and to do and execute all and every other thing or things which to Our Governor and Commander in Chief doth or ought of right to belong according to the Provisions which by this present Commission or otherwise We have made or shall make for the temporary Government of the said Settlement with its Territories and Dependencies during Our Pleasure And We do hereby give and grant unto you full Power and Authority when you shall see cause or judge any Offender or Offenders for Criminal Matters or for any Fines or Forfeitures due unto Us fit objects for Our Mercy to pardon all such Offenders and remit all such Offences Fines and Forfeitures High Treason and Wilful Murder only excepted in which Cases you shall likewise have power upon extraordinary occasions to grant Reprieves to the Offenders until and to the Intent Our Royal Pleasure may be known therein And We do hereby require and Command all Officers Civil and Military and all other Inhabitants of the said Settlement to be obedient aiding and assisting unto you in the execution of this Our Commission and of the Powers and Authorities herein contained And in case of your death or necessary absence from the said Settlement if

there be no Person upon the Place commissioned or appointed by Us to succeed to the vacancy which might thereby take place in the Office of Governor within the said Settlement for purpose of the temporary Government so intended by Us to be provided during Our Pleasure as aforesaid Our Will and Pleasure is that the Officer for the time being commanding Our Forces in the said Settlement do take upon him the Power and Office of Governor of the said Settlement and execute this Our said Commission and Instructions according to the several Powers and Authorities therein contained for and during Our Will and Pleasure And We do hereby declare ordain and appoint that you the said Charles Henry Somerset commonly called Lord Charles Henry Somerset shall and may hold and enjoy the Place of Our Governor and Commander in Chief in and over the said Settlement of the Cape of Good Hope As also of all Our Forts and Garrisons erected and established or to be erected and established in the said Settlement its Territories and Dependencies with all and singular the Powers and Authorities hereby granted to you for and during Our Will and Pleasure Provided always that nothing in this present Commission contained or in any Act which shall be done under the Authority thereof shall extend or shall be deemed or construed to extend to prevent Us Our Heirs or Successors from making such further or other Provision for the Government of the said Settlement its Territories or Dependencies or any part or parts thereof at Our Will and Pleasure and as Circumstances may require We meaning and intending fully and absolutely and to all Intents and purposes whatsoever to reserve to Ourselves Our Heirs and Successors such and the same Rights and Powers in and over the said Settlement with its Territories and Dependencies and every part thereof and the Government thereof and every part thereof as if these Presents had not been made anything in these Presents contained or any Law Custom Usage Matter or Thing whatsoever to the contrary in any wise notwithstanding.

In Witness whereof We have caused these Our Letters to be made Patent Witness Ourselves at Westminster the Second day of November 1813 In the 54th Year of Our Reign.

By Writ of Privy Seal.

(Signed) BATHURST and BATHURST.

[Office Copy.]

Instructions to Lord Charles Somerset.

Instructions to Our Trusty and Well beloved Charles Henry Somerset Esquire commonly called Lord Charles Henry Somerset Lieutenant General in Our Army Our Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope in South Africa Given at Our Court at Carlton House the Third day of November 1813 In the Fifty fourth Year of Our Reign &c. The Instructions are verbatim the same as Sir John Cradock's. See page 29 Volume 1811-1812.

[Office Copy.]

*Letter from LORD BATHURST to LIEUTENANT GENERAL
LORD CHARLES SOMERSET.*

DOWNING STREET, 4th November 1813.

MY LORD,—I herewith transmit to you a Commission under the Great Seal, appointing you Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope, together with Instructions under the Royal Sign Manual for your guidance in that Government. I have &c.

(Signed) BATHURST.

DOWNING STREET, 4th November 1813.

Passport for Mr. Brink to proceed to the Cape.

[Original.]

Letter from the REVEREND C. I. LATROBE to LORD BATHURST.

NEVIL'S COURT, FETTER LANE, November 4th 1813.

MY LORD,—I should not have presumed to trouble your Lordship with the following statement of the situation of the Missionary Establishment of the church known by the name of Unitas Fratrum

or United Brethren, at the Cape of Good Hope, had not his Excellency Sir John Francis Cradock, Governor of that Colony, himself encouraged the missionaries to represent their case to His Majesty's Government when he visited the Settlements, and I am now called upon by them to request your Lordship's kind indulgence and consideration in attending to it.

The Mission of the United Brethren, with a view to christianize the Hottentots, was undertaken in the year 1736 and renewed in 1792. The missionaries who went out in the latter year carried with them a direction to Mr. Sluysken, then Governor of the Cape, from Holland, to allot to them a certain tract of land suitable for their purpose, but tho' his Excellency was well disposed to the Mission, the state of the Colony was such that he could not act according to his own inclinations, nor venture to resist the opposition at that time made by a democratic faction to the introduction of Christianity among a people whom they wished to retain in ignorance and bondage. He therefore advised and assisted them to form a settlement at Baviaans Kloof, where the Mission had been originally established in 1736, a place which, on account of its distance from the Cape and barrenness, was not an object of consideration with the adversaries.

But no sooner had the Mission acquired consistency and produced good effects among the Hottentots, who resorted to it from all parts, and were eager to receive instruction, than a persecution commenced, which was happily and effectually stopped and the threatened destruction of the settlement prevented by the capture of the Cape by His Majesty's Forces in 1796.

The protection and favour enjoyed by the Missionaries under British Government is most gratefully acknowledged by them, and by the whole Church of the United Brethren, and though the Colony for a short time reverted to its former masters, yet experience having shewn that instead of being a hurt the mission had proved a benefit to the country, the Dutch Governor Janssens valued and favoured the endeavours of the Brethren, and gave to their settlement the name of Gnadenthal, (Grace Vale).

When the Cape was retaken in 1806 the Missionaries again enjoyed the esteem and protection of the several English Governors, and especially that of the Earl of Caledon, who, not satisfied with their circumscribed exertions, encouraged, and indeed pressed upon them to form a second establishment at Groene Kloof, nearer to

Cape Town. He promised them every accommodation necessary for the assembling and maintaining a colony of Christian Hottentots, and for that purpose made over to them the three places called the Groene Kloof, Cruywagens Kraal, and Lauwe Kloof, with the old buildings, wood, and other appurtenances, as your Lordship will perceive by the enclosed copy of a letter written by his Excellency's command.

As long as the Earl of Caledon remained on that station his Lordship uniformly expressed to the missionaries at Groenekloof his full approbation of their diligence in instructing the Hottentots, who soon assembled about them, in Christian doctrine and practice, in agriculture, and other useful arts, and protected them against encroachments.

Before his successor, Sir John Francis Cradock, arrived at the Cape, the number of Hottentots at Groenekloof had increased so considerably that the missionaries thought it necessary to build a chapel, and applied to him for permission. His Excellency, wishing first to ascertain the nature of the tenure by which Groenekloof was held by the Missionaries, hesitated, and after some time ordered a search for such documents as might refer to it, and on discovering in the enclosed letter that it was the Earl of Caledon's intention that they should hold it "for the use of their congregations," exactly upon the same terms by which they possessed the land at Gnadenhal, he directed further search to be made for documents relating to that settlement.

Your Lordship will be pleased to observe that the Missionaries, on their arrival at Cape Town in the troublesome times of the year 1792, were advised to occupy a portion of land at Baviaans Kloof, to which they quietly acceded, and it does not appear that any regular transfer of it to them for the use of their congregation, containing the terms on which they were to occupy it, was ever registered. Ever afterwards, when it became necessary to claim the protection of Government, and when in 1802 under General Dundas's administration proper officers were sent by him to determine and mark the boundaries of the lands belonging to the settlement, the missionaries do not seem to have been aware of the necessity of requesting that proper security should be given them by a regular grant.

His Excellency Sir John Francis Cradock being now, after sufficient examination, convinced of the utility of the Mission, and

having encouraged an application to his Majesty's Government for such grant or grants, to ensure permanency and safety to the Establishments both at Gnadenthal and Groenekloof, I humbly request that if your Lordship should likewise judge the Mission to be worthy of your countenance and of the future favour and protection of His Majesty's Government, that you would direct such measures as to your wisdom may seem meet, to ensure to the missionaries and their congregations of Christian Hottentots the possession of the lands already assigned to them by the former Governors of the Cape at Gnadenthal, and by the Earl of Caledon at Groenekloof, cultivated by their own industry and at their own expense, and necessary for their existence, with permission to erect buildings, both for worship and other purposes, on such terms as shall be consistent both with the welfare of the Colony and the Mission.

That no personal emolument or advantage is the object of this humble petition, but only security and permanency to an establishment formed solely for the spiritual and temporal welfare of a people now brought by Providence under the dominion of Great Britain, I believe your Lordship is assured, and for any informality, thro' ignorance, in thus presenting it, I trust to your Lordship's candour and generosity for pardon. I remain &c.

(Signed) CHRISTIAN IGNATIUS LATROBE,
Secretary of the Unitas Fratrum.

[Enclosure in the above.]

Letter from DEPUTY SECRETARY BIRD *to the* MISSIONARIES OF THE
UNITAS FRATRUM AT GNADENTHAL.

SECRETARY'S OFFICE, *March 23rd, 1808.*

GENTLEMEN,—Mr. Ryneveld having laid before his Excellency the Governor and Commander in Chief your letter of the 18th, I received his Excellency's commands to acquaint you in reply thereto that the farmer of the Groenekloof has received instructions to deliver up the buildings on that place to the members of your institution as soon as they arrive there.

It is His Excellency the Governor's intention that the members of the Institution shall be put in possession of the farm and lands of the Groenekloof, Crugwagens kraal, and Louwes Kloof for the

use of their congregations exactly upon the same terms by which they possess the land at Gnadenthal.

The spot has been selected for its peculiar fertility and because cattle may be kept there in sufficient numbers for a very considerable establishment the whole year. The Inspector of Government Lands has been directed to take the earliest steps for marking the boundaries of the place in question, in order that all cause of dispute with the neighbourhood may be obviated.

The Missionaries may rest assured of the same protection from His Majesty's Government which they have hitherto invariably received at Gnadenthal.

In making this assurance, it becomes unnecessary to enter into more minute particulars, especially as a part of the propositions submitted to his Excellency in your letter to Mr. Ryneveld are not explicitly defined, and the two last heads appear to depend upon contingencies which it is out of the power of His Majesty's Government to control.

The rights of your religious worship have been hitherto protected, and by the removal of part of your establishment from Baviaans Kloof (Gnadenthal) that protection will not be in any degree diminished.

Should any Hottentot women join the establishment whose conduct after due admonitions is such as to warrant a measure of such severity, his Excellency will permit the Brethren to take the step of expelling them. His Excellency trusts that you will be thus satisfied that it is the intention of His Majesty's Government to lend every proper aid to the meritorious object you have in view of enlightening this unfortunate people and instructing them in the principles of the Christian religion, and of securing their permanent welfare by encouraging them in habits of industry and virtue. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from LIEUTENANT COLONEL TORRENS *to*
SIR JOHN CRADOCK.

HORSE GUARDS, 18th November 1813.

SIR,—It having been decided by His Majesty's Government to withdraw the 1st Battalion 72nd Regiment from the Mauritius for

the purpose of relieving a Battalion of the Line at the Cape of Good Hope for service in Europe, I am commanded by the Commander in Chief to desire that you will be pleased to hold the 83rd Regiment in readiness for Embarkation for this Country on the arrival at the Cape of the 72nd Foot. I have &c.

(Signed) H. TORRENS.

[Original.]

Letter from LIEUTENANT COLONEL GRAHAM *to*
HENRY GOULBURN, ESQRE.

No. 4 SOUTH ROW, BLACKHEATH,
18th November 1813.

SIR,—Having proposed to several gentlemen in Scotland that they should recommend to young Scotch clergymen to apply for Church Livings at the Cape of Good Hope, I beg leave to take the liberty of requesting that you will have the goodness to inform me whether Individuals inclined to offer themselves for these situations would, if properly qualified, meet encouragement from His Majesty's Government. I have &c.

(Signed) JOHN GRAHAM,
Lt. Col. Cape Regiment.

[Original.]

Letter from the DUKE OF MONTROSE *to* LORD BATHURST.

GROSVENOR SQUARE, 22nd November, 1813.

MY DEAR LORD,—Oranje Boven! On this subject that is enough!

I trouble you with the enclosure on account of a meritorious Officer who, had not the Governor of the Cape been changed, would have gone back of course to fill the confidential situation pointed out by Sir John Cradock.

I beg leave to say I believe him to be an active and honorable man of the Clan, and a great friend of Sir T. Graham's. I hope

he will meet with your protection and support. If Sir T. G. was ever fit for anything, it is the particular service you have engaged him in at present, from his acquaintance with the Continental powers, his temper, and habits with Foreigners, which is so difficult to find in English Officers. Yours sincerely,

(Signed) MONTROSE.

[Enclosure in the above.]

LIEUT. COL. GRAHAM'S *Memorandum*.

Lieut. Col. Graham was appointed Civil Commissioner and Commander of the Troops destined to act on the Frontier of the Cape Settlement for the expulsion of the Kaffer Hordes; and, at the conclusion of 9 months most arduous and perplexing service, obtained leave of absence (for the first time in 16 years) to return to England on private affairs. On his arrival at Cape Town from the Interior, His Excellency Sir John Cradock pressed him in the strongest manner to accept of the situation of Permanent Civil and Military Commissioner, offering him a Civil Salary of £1000 per annum exclusive of all Military Allowances, with free house &c. On Lt. Col. G. stating that the urgent necessity of his return to England for a time alone prevented his immediate acceptance of the offer, Sir J. Cradock informed him that he would wait Lt. Col. Graham's answer from England (Lt. Col. G. accepted the situation by letter very soon after his arrival) to say whether or not he would return to the situation, and, if he chose to accept it, no one else should be appointed. Circumstances appear to have rendered it necessary to place an officer of Rank upon the Frontier, and accordingly since Lt. Col. G.'s departure from the Cape, an Officer who had just arrived from England and perfectly unacquainted with the language and manners of the country was sent thither and still remains. Lt. Col. G. is now about to return to the Cape, solely in consequence of the promise made to him, and which, beyond the possibility of doubt, would be fulfilled in the event of Sir J. Cradock being still there on his arrival, but, lest he should have quitted the Colony prior to that period, Lt. Col. G. prays his appointment may be confirmed to him, not only on account of a family of his own but as on the exertions of himself and his brother (a Captain in the Navy) a father, mother, and nine

unmarried sisters depend for support, and upon them for years past has their united all, the scanty savings of pay and prize money, been bestowed.

During Lt. Col. Graham's mission to the Interior he received letters from Sir J. Cradock, from which the following are extracts :

April 2nd 1812. I have it much at heart to place in Civil and Military control upon the Frontier a person of the highest character and confidence, in whom Government may repose the most perfect reliance that every beneficial measure of the British Government is realized, and one who will have no other view but the character and prosperity of this distant, but perhaps most valuable part of the Settlement. When such a person may be found, it will be my duty to represent his value and services to the British Government and procure for him such an appointment and establishment as may be due to the good he cannot fail to promote and secure."

"I should do injustice to the perfect confidence I entertain in your disposition and excellent judgment if I did not express that cases may arise wherein I should hold myself culpable if I did not give you the power to deviate from my Instructions."

"May 23rd 1812. "and I feel assured that previously to your departure you will give such orders to your temporary successor, as will lighten as much as possible the loss the Military and Civil Service will equally sustain in your departure. I have also received the state of your arrangements and the various and excellent orders you have given, &c. I forego till I have the great pleasure of seeing you, to say more than repeat my warmest thanks for the indefatigable labours you have gone thro' and the entire success that has completely crowned all your operations and arrangements."

"When we meet I will more fully explain how much your present departure to England has frustrated some favorite schemes I had in contemplation for the permanent order and tranquillity of that part of the Colony, even at this time so indebted to your exertions and judgment."

N.B. Previous to Sir John Cradock's arrival at the Cape (a few days prior to Lt. Col. Graham's setting out on his mission) the Lieut. Col. was perfectly unknown to him.

[Copy.]

Letter from LIEUTENANT COLONEL TORRENS *to*
SIR JOHN CRADOCK.

HORSE GUARDS, 25th November 1813.

SIR,—In reference to your letter to the Commander in Chief of the 9th May last and to His Royal Highness's reply of the 15th August following, I am now commanded to acquaint you that the Prince Regent in the name and on the behalf of His Majesty has been pleased to appoint Lieutenant General Lord Charles Somerset to succeed you in the command of the Forces at the Cape of Good Hope. I have &c.

(Signed) H. TORRENS.

[Original.]

Letter from the EARL OF CALEDON *to*
HENRY GOULBURN, ESQRE.

CALEDON, 25th November 1813.

DEAR SIR,—In reply to the honor of your letters referring to me the propriety of Dr. Emerson's claims to colonial remuneration for his services as a member of the Vaccine Committee at the Cape of Good Hope, I beg you will represent to Lord Bathurst that the colony having suffered at various times to a great extent from the ravages of the small pox, I obtained with considerable difficulty the true vaccine virus from South America, and that the disease might be perpetuated in the colony I appointed a committee of medical persons with two vaccinating surgeons in Cape Town, to whom the management of the disease was entrusted. The duty of attendance and operating rested exclusively with the surgeons, to whom adequate remuneration was made, and I confess myself surprised that Dr. Emerson should at this distant period advance any claim for the advice he might have render'd. If I had held out any hope of remuneration to him I should have found it my duty to have consider'd his claim previous to my resignation of the government, and not have allowed such a subject to have been intruded upon Lord Bathurst's time; as

it is otherwise I beg leave to suggest that Dr. Emerson's letter should be forwarded for the report of the Governor, as every act of mine (whilst Governor) is on record in the Colony, and by reference to the Colonial Diary it will appear whether any and what degree of consideration should attach to his claim.

I have &c.

(Signed) CALEDON.

[Original.]

*Note from LORD CHARLES SOMERSET to
HENRY GOULBURN, ESQRE.*

Lord Charles Somerset presents his compliments to Mr. Goulburn, and understanding it is necessary that the Admiralty should be furnished with an order to provide the Ladies of his family a passage on board His Majesty's Ship the *Medway* (who are to be detailed by name) has the honor as under to furnish their names, and requests Mr. Goulburn will have the goodness to transmit the necessary order from Earl Bathurst accordingly.

1. Lady Charles Somerset,
2. The Hon'ble Georgina Somerset,
3. The Hon'ble Charlotte Somerset.

BRUTON STREET, Nov. 25th 1813.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 26th November 1813.

SIR,—As there is great probability that the events which have lately taken place in Holland may induce Mr. Fagel, the Vendue Master of the Cape of Good Hope, to return to Europe, I lose no time in communicating to you the Instructions of His Majesty's Government that you will grant him leave of absence from the Cape for one year, and should permit him to appoint some person properly qualified to execute during his absence the Duties of the Office which he holds. I have etc.

(Signed) BATHURST.

[Copy.]

Letter from SIR JOHN CRADOCK to COLONEL VICARS.

HASSEGAAL BOSCH, SATURDAY, 27th November 1813.

MY DEAR SIR,—We shall proceed to Lombards post this day, and in two more shall be at the mouth of the Fish River, where we may probably remain one day, and then direct our course to Graham's Town, expecting to reach that station on the 3rd December.

I give you this diary, that you may know *where* to find me, should you think it requisite to have recourse to my further authority or instructions.

The conversations we have lately had together upon the recent depredations of the Kaffirs, which, I find, are rapidly encreasing every day, will have put you in full possession of my sentiments; and it is scarcely necessary to repeat "that they must be put an end to," or I shall fail in my duty in the Government of this Colony. Experience has fully proved that no treaty has effect with these people; and that, as they will preserve no faith with us, we can pursue no other measures but those of intimidation and punishment for actual offence.

If it be practicable, however, I should wish that you would hold some communication with Gaika, or the other chiefs, and explain to them *afresh* what has indeed been so often declared: that our object, alone, is to preserve the boundaries of the Colony; upon this point we will admit of no hesitation. The colonists shall not, under any pretence whatsoever, enter their territories; and we will not permit a single Caffer to come into ours, without a regular authority from some acknowledged chief. Any straggler, for in fact they are all marauders and robbers, will be punished with death. In every other respect it is our anxious wish to be friends.

I well know, from all past experience and universal testimony, how vain is expectation that words alone will have effect, and how necessary it is to employ other means. I therefore have to desire you to act with the small force under your orders, at present, in the most vigorous manner in your power; that you will try to do something, as far as prudence will permit, that will prove to these savages and unceasing robbers that His Majesty's Government can

no longer be trifled with, and that we will not suffer, with the power in our hands, the prosperity of this whole and invaluable province, and indeed of the entire Colony, to be destroyed.

It would be my wish, upon the present occasion, as I understand that the large body of Kaffers who menaced that they would remain in our territory, have retired, that, if judicious and practicable, under a view of your actual force and local circumstances, that a party should enter the Kaffer country at the very point where Scheepers' cattle were driven over the Great Fish River, and the restitution of every beast demanded; if not complied with in the full spirit of the command, that the most summary measures of punishment and vindication should take place; and *then* the force to immediately return within our own limits. I shall particularly enjoin that no Kaffer cattle, under any pretence of reprisal, be taken away, but that everything be conducted under the decided view of just retaliation *alone*, so that even these savages shall not suppose we entered their country for plunder. It is painful to express that the order must be to destroy and lay waste, but not to remove a single article found in, or near their kraals; and it is almost unnecessary to suggest to you that the old, infirm, women, and children are not to be molested.

As it is my decided resolution to pursue this line upon all aggression, it appears required to act upon the first instance in the plainest and most unequivocal manner. I shall only again enjoin that, if practicable, I would make Gaika and the other chiefs understand all these principles and intentions before I proceeded to any extremity *in their own country*, though there is such abundant proof that these very chiefs participate and demand their share in all the plunder.

Your present force is so small that of course any incursion into Kaffer Land can only be considered as a measure of the most temporary nature; and the safety of the party employed, in no way, is to be risked.

As I shall be so soon at Graham's Town, and ready to give further explanations, or act with you, if required, I shall not trouble you with any more instructions. I have etc.

(Signed) J. F. CRADOCK.

As I just learn that some more immediate depredations than those at Scheepers' Farm have been committed, and that a man

has been murdered near to your post, perhaps you may deem it more advisable to cross the Fish River at that place, but act as you shall think best.

(Signed) J. F. C.

[Original.]

Letter from LORD CHARLES SOMERSET to the EARL OF BATHURST.

BRUTON STREET, 28th November 1813.

MY LORD,—Your Lordship is so fully aware of the importance and utility of increasing the Population in the Settlement of the Cape of Good Hope that I should venture without apology to submit for your Lordship's consideration any plan which would tend in an eligible mode to attain that desirable object. I therefore now take the liberty of transmitting to Your Lordship the copy of a letter addressed by Lt. Colonel Graham (of the Cape Corps) to Henry Alexander Esqre., dated 21st of May last, shewing the expediency of removing some Families from the Highlands of Scotland to the Cape.

The extensive knowledge Lt. Colonel Graham possesses of the Cape, from a long residence in the interior of the Colony and his peculiar intimacy with the views and inclinations of the Highlanders, not only from his knowledge of them in their native country, but from his having been Major of the 93rd (a Highland) Regiment, entitle any plan of his on the subject to more than an ordinary share of consideration. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the Navy Office to EARL BATHURST.

NAVY OFFICE, 29th November 1813.

MY LORD,—It having been determined that certain officers in the service of this department at the Naval Stations abroad who are paid at sterling rates, shall be paid at the par of Exchange at those places, and not any par having yet been established at the Cape of Good Hope, we have been for some time past endeavouring

to collect all the information in our power connected with the subject. All payments are made at the Cape in paper currency, viz. Rix Dollars and Schellings, the former passing uniformly for four shillings currency, and the latter for six pence, making five Rix Dollars (currency) equal to One Pound currency.

The sterling value of a pound currency varies with the Exchange, and it has since January 1812 fluctuated from £135 to £161 $\frac{2}{3}$ Currency for one hundred Pounds sterling.

We have consulted several persons who either have been at the Cape, or have had communication with it, as to the rate which it might be proper to establish as a par for the payment of the persons above alluded to, and from the best information we have been able to procure, are inclined to consider one hundred and thirty-three Pounds and one third Currency for one hundred Pounds Sterling to be a fair and equitable rate to establish for such purpose. Considering at the same time that your Lordship's office may be in possession of information which may be of use in determining the question, we shall be glad to know if this is the case, and to be favoured with your Lordship's sentiments on the subject before we take any final steps thereon. We are &c.

(Signed) C. BOUVERIE,
ROBT. MIDDLETON,
E. STEWART.

[Original.]

Letter from JOHN BARROW, ESQRE., to HENRY GOULBURN, ESQRE.

ADMIRALTY OFFICE, 29th November 1813.

SIR,—Earl Bathurst having by his Letter of the 26th Instant signified the pleasure of His Royal Highness the Prince Regent that a Ship of War be appointed to convey Lieut. General Lord Charles Henry Somerset, who has been appointed Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope, together with his Suite and Baggage from hence to the Cape; I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of his Lordship, that a ship will be provided for the conveyance of the Governor accordingly. I am &c.

(Signed) JOHN BARROW.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 2nd December 1813.

SIR,—I herewith transmit for your information copies of a correspondence that has passed upon the subject of a claim which has been preferred by Doctor Emerson to remuneration for his services as a Member of the Vaccine Committee at the Cape of Good Hope. It would appear from Lord Caledon's letter that Doctor Emerson has no title to any sort of compensation whatsoever, but as the period at which these services were performed is so far back as the commencement of Lord Caledon's Government, I have, to set aside all doubt upon the subject, thought it right to request you will investigate this claim, and report to me the opinion which the Colonial Records of the Settlement may enable you to form, so that the case under consideration may be decided without loss of time. I have etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 3rd December 1813.

SIR,—I have the honor to enclose to you the copy of a communication which I have received from Mr. Ignatius Latrobe requesting on behalf of the Missionary Establishment at the Cape of Good Hope that they may be put in such possession of the Lands assigned to them by former Governors of the Cape as may secure them from ejectment or disturbance in future, and may leave them at liberty to carry on improvements which from their present uncertainty of tenure they hesitate to undertake.

The uniform good conduct of the Missionary Establishment, and the influence which they have already produced upon the manners and morals of those Hottentots under their care recommend them most strongly to the favor of His Majesty's Government, and I am convinced that the attention which you have always felt for the welfare and improvement of the Colony will induce you to

lend your cordial assistance to promote an Establishment which Lord Caledon appears from the letter enclosed to have considered deserving of the boon which they solicit. I am sure therefore that I am only anticipating your own wishes in conveying to you the Instructions of His Majesty's Government to give every facility in your power to the fulfilment of Mr. Latrobe's request, and to secure to the Establishment for the use of its Congregations either by grant or otherwise as you may deem most advisable, both at Groenekloof and Gnadenthal, such portion of Land as the Establishment may appear to you to require. I have etc.

(Signed) BATHURST.

[Original.]

Letter from REAR ADMIRAL TYLER *to* J. W. CROKER, ESQRE.

Lion, SIMON'S BAY, CAPE OF GOOD HOPE, 5th December 1813.

SIR,—I am to acknowledge the receipt of Mr. Barrow's letter of the 23rd of August last, acquainting me that the Lords Commissioners of the Admiralty had come to a determination that for the future, and until I shall receive further orders, all the homeward bound convoys from India and China shall assemble, for an increased protection, at the Cape of Good Hope, and stating the principal reasons which have induced their Lordships to adopt this measure.

In answer, I request you to inform their Lordships that in obedience to their commands I will give every additional protection to the homeward bound convoys from India and China on their sailing from this place, that may be necessary for their safety and that the force their Lordships may think proper to place at my disposal will enable me to afford, and that I will make every other arrangement in my power in order to carry into effect the several Instructions relating to the measure in question which their Lordships have been pleased to signify to me.

I have etc.

(Signed) CHAS. TYLER.

[Copy.]

Memorandum by SIR JOHN CRADOCK.

GRAHAM'S TOWN, ZUURVELD, 6th December 1813.

I transmit to the Colonial Office a copy of my late orders to Col. Vicars, His Majesty's Civil and Military Commissioner upon the Frontiers of this Colony.

The perusal will so fully explain my sentiments, that it appears unnecessary to further detail the motives which have induced me to adopt the measures I therein direct, and which must constantly be revived, as long as the Kaffer Tribes, under the connivance or more the instigation of their Chiefs, shall pursue the system of robbery and depredation they now carry on, even to the Palisadoes of the Posts and Kraals of the Farmers under their supposed protection. No guard or vigilance can altogether await or elude the dexterous approach of these Marauders. If it even be argued (though universal testimony on the spot disproves the assumption) that their excursions are not authorized or participated in by their Chiefs, yet the evil remains the same, and unless their Captains will exert themselves to check and punish such offences, I still see no alternative but retaliation in the guilty territory. The plain course must be to make the retaliation more inconvenient and injurious to them than even their aggressions are to us, or the present disturbed state cannot end; and this beautiful and luxuriant province will never be settled, and all the expense and pains now in operation totally thrown away.

It is not only distressing to the view, but painful in the reflection, that so eminently fertile a part of the Colony, instead of partaking in the general and progressive prosperity of the Settlement, should altogether have lost, as it may be termed, its political existence, and that, at this advanced period, we should have the task of a fresh creation. I must declare that it is too evident that very erroneous calculations and false principles of every degree have produced the present embarrassed and disgraceful state of things; and that it appears my bounden duty, from demonstration all around me and the experience I have lately gained, not only to avoid, but if practicable redeem such errors, and pursue those measures of vigour and security as will preserve this fine territory to His Majesty, and at the same time

establish a proper Frontier against so desolating an Enemy as the Kaffer nation.

They are a people so void, apparently, of all faith, and so intent, by nature, on plunder, that it would be idly visionary to attempt to keep up any communication; and however we would wish to be, and will act as, friends upon all practicable occasions, yet I am fixed in my mind to declare and direct that all intercourse should cease.

(Signed) J. F. CRADOCK.

[Copy.]

Extracts of a Letter from COLONEL VICARS to SIR JOHN CRADOCK.

VAN AARDE'S, *December 8th* 1813.

MY DEAR SIR JOHN,—Captain Fraser arrived here late last night from his expedition into Kaffer Land. I confess myself something disappointed in the result, but am in great hopes of its proving beneficial in the end to the Colony by giving some check to the Marauders, inasmuch as they now see that we are not restricted (as they are under a firm belief we were) from crossing the boundary.

I very much fear if they should now be under a persuasion that we are restrained from taking any of their cattle, for it is idle to attempt to persuade a Caffre that we are actuated by motives of honorable justice, it will probably render them more daring and they may flatter themselves they may continue their depredations with impunity. The bone of contention is on the part of the Caffres to obtain all the cattle from the farmers, *coute qui coute*, and on our part to prevent their being taken; and if we are restricted from making reprisals, the whole of our efforts (being to guard our cattle against these savages) may prove to be fruitless. From their extraordinary activity and cunning it is known to be next to impossible to come up with them, and punish them as they deserve, therefore as long as this restriction lasts, the Caffer must always be the gainer. The farmers in this vicinity lost for four weeks ending 20th November above a thousand head of cattle and five of their servants murdered. I see no means of obtaining restitution for these losses but by laying hands on all the cattle we can find in their country, or no means of preventing their

depredations but by this means, proving to them that they must be losers by a continuation of their villainies. They are gainers at present, and it cannot be expected they will discontinue their attempts, except we have permission to possess ourselves of whatever cattle we meet with in their country. It was in Captain Fraser's power to have brought out above 2000 head of cattle; this would not have been equivalent to our losses, but it would have gone a great way towards reimbursing them. I request your favorable consideration for the liberty I take in expressing my opinion with so much freedom. I yield to no person under your Excellency's command, in zeal and anxiety to promote your views for the advantage of the Colony, and I confess I am under some apprehensions that so favourable an opportunity of recovering lost property may not occur again, as I firmly believe most of the cattle left with the Caffres were originally the property of the Boers, and no cattle were brought out but those recognized by their owners, or with the mark of the district, the whole of which (according to Captain Fraser's account) amounted to 140. We shall know very shortly whether the attempt of our crossing the Limits will have a good effect or otherwise.

[Copy.]

Letter from COLONEL VICARS to COLONEL REYNELL.

VAN AARDE'S, *December 8th* 1813.

SIR,—I have the honor to enclose you Captain Fraser's Report of his expedition into Caffre Land for the information of His Excellency the Commander of the Forces, which affords so ample a detail of his operations that it is unnecessary for me to enlarge on the subject. I am perfectly satisfied with his zeal and activity, and am convinced his conduct was grounded by his best judgment. I am also under obligations to Mr. Stockenstrom for his services, activity, and attention to the Commando of Graaff Reinet, and beg leave to recommend him as deserving His Excellency's favor.

I have ordered the Detachment of the Cape Regiment and the Commando to return to their Homes, and propose leaving this post this day for Van der Merwe's. I have &c.

(Signed) E. VICARS, Colonel.

[Enclosure in the above.]

Copy of a Letter from CAPTAIN FRASER to COLONEL VICARS, Civil and Military Commissioner.

SIR,—I have the honor to inform you that agreeable to your Orders of the 30th ultimo I took the command of the Armed Inhabitants and a Detachment of the Cape Regiment to be assembled at Baviaan's River, for the purpose of marching into Kaffer-land, with which force I crossed the Limit into that Country on the morning of the 2nd. On my arrival at the Goriase River I found the Kaffer kraals in that neighbourhood, which were inhabited only a few days before, completely deserted. On the evening of the 3rd I arrived at the Kromme River, when seven Kaffers came towards me, and finding that all the kraals had already been abandoned, and the Kaffers taken refuge in the mountains, I permitted them to approach, when in the strongest, and most impressive Language in my power, I sent them to Gaika, and the other Chiefs, demanding they would immediately restore all the stolen Cattle and Horses, as also that they should deliver up all Horses and Fire arms, which they promised to do, and seemed rejoiced at having it in their power, but in place of which they drove their Cattle into the most impenetrable and extensive woods. On the afternoon of the 4th Seven Kafirs were seen coming towards us. Finding such a breach of promise I gave orders for them to be fired at, but on the parties coming up to them they stood apparently ignorant of our intention, I directed they should not be put to death. I took their Hassagais from them, bound them, and brought them with me, in order that they might witness my proceedings. On the evening of the 4th I arrived at the Cat river, and on the morning of the 5th commenced driving their Cattle out of the woods. After succeeding in driving out six or seven droves, I ordered the marked cattle to be selected, which were best seen, in all about 140 head; those I brought back to their proper owners; this was done in presence of said seven Kaffers, (Gaika's people) who acknowledged them to be stolen cattle, and their own cattle I allowed to remain unmolested, which, if I had thought myself authorized to take, would have been at least two or three Thousand Head. At Gaika's cattle place I also selected same marked cattle from his droves, and

at the chiefs Ghrater and Cassa were stolen cattle from almost all parts of the district of Uitenhage, and some from Graaff Reinet. It was their people who surprized Commandant Stoll's post, and took Cobus Schippers cattle &c. They have several stands of fire arms. It was evident previous to our entering Kaffer Land, they were apprized of our coming, so they fled before us in all directions, driving their cattle into the most remote kloofs, and the Kaffers could only be seen on the tops of the mountains at a great distance, which circumstance put it completely out of my power to attack them, or to fire on them with effect, so as to strike terror. I would have proceeded to Gaika's own kraal for the purpose of doing so, which I have no doubt would also have been abandoned, but fearing lest I might exceed my orders, and incur the displeasure of Government.

I was at a number of kraals, but did not destroy their huts or any part of their property. Two Kaffers were killed, as also (I believe) one of the seven who attempted to make his escape. On the 6th and 7th I returned by a different route to Baviaan's River, having previously liberated Gaika's six Kaffers, who I sent with a second message to their Chiefs, pointing out the danger they would bring on themselves if they did not immediately return all the property belonging to the Colonists, and give over committing further depredations. They drive the most of the stolen cattle beyond Gaika's kraal, and kill from them on every requisite occasion, so that few of them can ever be expected to be retaken, without proceeding a considerable distance into their country.

I have &c.

(Signed) G. S. FRASER, Capt. Cape Regt.

[Copy.]

Letter from COLONEL REYNELL to COLONEL VICARS.

GRAHAM'S TOWN, 9th December 1813.

MY DEAR COLONEL,—We were on the point of mounting our Horses when your dispatch arrived. Captain Fraser's Expedition will, I trust, be productive of beneficial consequences.

His Excellency perfectly concurs in your Sentiments in regard to the Cattle, but at the same time cannot but applaud the

moderation and temper evinced by Captain Fraser. Perhaps in the first instance of retaliation the line pursued may be the best. Upon future aggressions of our neighbours, we shall be justified by acting a part of more severity. I am &c.

(Signed) THOS. REYNELL.

[Original.]

Letter from H. HAMILTON, ESQRE., to HENRY GOULBURN, ESQRE.

FOREIGN OFFICE, *December 15th* 1813.

SIR,—I am directed by Viscount Castlereagh to transmit to you herewith extract of a dispatch received from Lord Strangford with the inclosure therein referred to, on the subject of the Portuguese Slave Trade; and I am to desire that you will be pleased to lay the same before Earl Bathurst for his Lordship's information.

I am &c.

(Signed) H. HAMILTON.

[Enclosure 1 in the above.]

Extract of a dispatch from VISCOUNT STRANGFORD to VISCOUNT CASTLEREAGH, dated Rio de Janeiro, Sept. 14th 1813.

“I have not yet had an opportunity of conversing fully with M. das Gilveas on the subject of the instructions to be given to the Commander of His Majesty's Ships respecting Portuguese Slave Ships, of which a copy was inclosed in your Lordship's dispatch No. 19. I have merely stated to that Minister that one (perhaps the only) just ground of complaint on the part of this Government had been removed, and that the terms descriptive of a Portuguese Vessel, when applying for entry in a British Port on the favourable footing accorded by the late treaty, were not to be considered as qualifications, the absence of which would indiscriminately render all Portuguese Ships whatever liable to detention and condemnation, when engaged in the Slave Trade in or between Ports belonging to the Crown of Portugal. The accompanying extract of a letter from Sir John Cradock gives me, however, reason to apprehend that this Principle is not rightly understood by the British Authorities at the Cape of Good Hope.

“I had the honour of mentioning to your Lordship in former despatches the publicity which had been given in this place to a calumny invented by the owners of some of the detained Portuguese slave ships, who asserted that four of those ships had been released by the Government of the Cape of Good Hope on the payment of a sum of money. I have already stated to your Lordship the utter falsehood of this story, to which however I am sorry to say that the Brazilian Government was until lately very ready to give credit, and I am now to add that Sir John Cradock has enabled me to contradict it in the most effectual manner, by furnishing me with a list of all the Portuguese slave ships which have touched at the Cape since his residence at that place. I shall conceive it to be my duty to call upon the Masters of those Vessels to retract the scandalous and unfounded statements which they permitted themselves to make.”

[Enclosure 2 in the above.]

Extract of a Despatch from VISCOUNT CASTLEREAGH *to* VISCOUNT STRANGFORD, *dated Foreign Office, May 12th, 1813.*

“Under these circumstances and at the same time to prove to the Prince Regent of Portugal his anxious desire to remove all just cause of discontent wherever it may exist, and to act strictly in the spirit of His Majesty’s engagements, the Prince Regent has commanded me to signify His Pleasure to the Lords Commissioners of the Admiralty in the terms of the inclosed letter, which I have the honour to transmit to your Lordship for your information, tho’ you will not communicate it in extenso, or any part of it, as the extract of a public document. But in all your conversations and official communications on the subject, you will conform your language to the principles therein laid down for the conduct of His Majesty’s Cruizers.”

[Enclosure 3 in the above.]

Letter from LORD CASTLEREAGH *to the Lords Commissioners of the Admiralty.*

FOREIGN OFFICE, *May 6th 1813.*

MY LORDS,—In consideration of complaints received from the Government of Portugal respecting certain seizures of Portuguese Ships employed in carrying slaves from the Coast of Africa, I am

commanded by His Royal Highness the Prince Regent to desire that your Lordships will be pleased to instruct His Majesty's Cruizers not to molest Portuguese Ships carrying Slaves bona fide on the account and risk of Portuguese subjects from ports of Africa belonging to the Crown of Portugal to the Brazils; but by this instruction it is by no means intended that vessels, as herein after described, should not be brought in for adjudication, viz:—

1st. A Portuguese ship bound from a Portuguese Port in Africa with a cargo of Slaves to any Port not subject to the Prince Regent of Portugal.

2nd. Any Portuguese ship bound to, or having taken her departure with, a cargo of slaves, from any port in Africa not under the dominion of the Crown of Portugal.

3rd. Any Portuguese ship, the property on board of which, being a cargo of slaves, is other than Portuguese.

4th. Any ship whatever laden with Slaves wherein the ship or the slaves are in whole, or in part, the property of a British subject or of a citizen of the United States.

5th. Any ship bearing the Portuguese flag, which shall have been fitted up for the conveyance of slaves in a British Port, or of which the commander, or other superior officer, shall be a British subject or citizen of the United States.

In order to prevent any misapprehension of what is to be considered a Portuguese vessel, it will be necessary to add that the Vth Article of the Treaty of Commerce with Portugal of 1810, which defines what shall be considered as a Portuguese ship, applies only to ships claiming entry in British Ports under the favorable duties stipulated for in that Treaty. It was never intended to confine the trade of Portugal in all parts of the world to ships of that description, much less to expose to capture by that construction of the Treaty, on the high seas, all other ships claiming to be Portuguese.

With respect to what is to be considered as Portuguese territory on the Coast of Africa, your Lordships will be pleased to direct the naval officers to attend as strictly as possible to the tenour of the Xth Article of the Alliance with Portugal, until some further Regulations shall be agreed upon between the two countries.

I have &c.

(Signed) CASTLEREAGH.

[Original.]

Letter from THOMAS COURTENAY, ESQRE., *to* HENRY
GOULBURN, ESQRE.

INDIA BOARD, 15th December 1813.

SIR,—I transmit herewith, for Lord Bathurst's information, a copy of a letter from Mr. Alexander, dated Cape of Good Hope, 14th August 1813, with its inclosure on the subject of a School master required at that Settlement.

I have had the good fortune to meet with a Dutch Gentleman who is willing to undertake the office, and has accordingly put himself under the instruction of the National Society, and I have received good accounts of his progress.

Lord Bathurst will observe that I have been directed by the Governor of the Cape to advance the sum of Fifty Pounds to the School master for his outfit and to promise him a yearly salary of One Hundred Pounds.

Finding great difficulty in procuring a respectable person acquainted with the Dutch language to undertake the office, I have ventured to make one addition to the terms authorized, namely that of a free passage for Mr. Van Wageninge, the Gentleman whom I have engaged, and his wife.

I shall be happy to have Lord Bathurst's approval of these arrangements, and hope that corresponding instructions may be given to the Transport Board.

But the very reduced circumstances of Mr. Van Wageninge (formerly a Trader at Rotterdam) and the consideration that his time has been and is likely to be engaged in qualifying him for the peculiar charge which he has undertaken, have induced me to submit to Lord Bathurst the propriety of allowing Mr. Van Wageninge's salary to commence on the day (23rd November) on which I provisionally engaged him, and since which he has been under instruction at the National School, and also of advancing to this Gentleman Six Months Salary on his embarkation, as has been done in the case of the Chaplains.

I have some reason to fear that if this arrangement be not made, the benevolent intentions of Sir John Cradock will be defeated.

I have &c.

(Signed) THOS. PER. COURTENAY,
Colonial Agent.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 16th December 1813.

SIR,—Lord Castlereagh has transmitted to me a Correspondence which has taken place between Lord Strangford and himself on the subject of the Portuguese Slave Trade, and has brought under my Consideration at the same time an Extract of a Letter addressed by you to Lord Strangford bearing date the 22nd of April 1813. As it appears from this Extract that you have misunderstood the Provisions of the Treaty between the Courts of London and Brazil which defines the Character of Portuguese ships, I take the earliest opportunity of acquainting you that the 5th Article of the Treaty of Commerce with Portugal of 1810, which defines what shall be considered a Portuguese Ship, applies only to Ships claiming entry in British Ports under the favorable Duties stipulated for in that Treaty. It never was intended to confine the Trade of Portugal in all parts of the World to Ships of that description, much less to expose to capture on the high Seas all other Ships claiming to be Portuguese. I have etc.

(Signed) BATHURST.

[Copy.]

Letter from SIR JOHN CRADOCK to COLONEL VICARS.

GRAAFF REINET, December 19th 1813.

MY DEAR SIR,—Col. Reynell, in a few lines immediately on the receipt of your letter of the 8th instant enclosing the report from Capt. Fraser of his late Expedition into Kafferland, communicated to you my general Sentiments, which I am to request may guide the whole of the conduct you are to pursue upon the depredations of the Kaffers.

Your private letter to me of the same date so fully declares your opinion, that nothing but the strongest measures of retaliation will check the outrages of these plunderers, and rescue the Frontier Provinces from the insecure and unhappy situation in which they are placed, that I take the opportunity, upon my

returning to Cape Town, to leave with you the most positive Directions, upon all future aggressions to pursue the same line, and enter the Kaffer Country. I shall still however enjoin that the most marked, and not to be mistaken proceeding take place, that you come to punish, and not to plunder. I know it is said that the Kaffer Chiefs do not understand the difference, and that while we leave the cattle there, the poor plundered farmer loses his just reprisal. I cannot altogether believe that the crafty Kaffer can be so dull, and that while he views the cattle killed but not removed, he will see the act in any other light but that of a sure and determined punishment. The cattle to be distinguished by the district mark, a mode recommended and much practised, will of course be carried away and restored to the owners.

I feel persuaded that these measures will have great, if not complete good effect, but should I prove mistaken, still more severe steps will be directed by Government, as the passive proceedings hitherto prevailing are contrary to every acknowledged principle of protection. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Memorandum by SIR JOHN CRADOCK.

DROSTDY OF GRAAFF REINET, 19th December 1813.

I have already recorded in the Colonial Office the Line of Policy which it is my determination to pursue, with a view to relieve the Inhabitants of our Frontier Districts from the fatal consequences that result from the almost unceasing incursions of the Kaffer Tribes into His Majesty's Territories. I did entertain an expectation at the time that these Hordes were expelled from the Zuurveld, that through the well-arranged defensive system established, we should be secure from their further predatory visits, and that these valuable Tracts would be repeopled and their prosperity restored; but it is with pain I find that the extent and nature of the Country to be guarded, and the facility with which the Great Fish River can be forded at almost all points, render it next to impossible to prevent the entrance of the Kaffers so long as their disposition (which I fear is inherent) incites them to plunder and

devastation. In giving my Instructions to the Commanding officer on the Frontier, to retaliate upon the Kaffers whenever they leave their own Country to commit aggressions in ours, by pursuing their steps across the Fish River, and visiting upon their kraals injuries equivalent to what they may have inflicted upon the Colonists, I feel a perfect confidence that I adopt the only system that will give a reasonable hope of ultimate security to the Inhabitants of the remote Districts. It is also most satisfactory to my feelings that the orders I issue are not founded upon vague or questionable representations, but upon my own personal observation of the desolate state of these Districts and conviction that they must continue so unless some more effectual plan of proceeding against the Kaffers is adopted.

To provide the number of Guards necessary for the different posts established on our extensive line, a third of the scanty population of those Districts are employed on Commando service, and thus withdrawn from domestic avocations, to the almost total interruption of agricultural improvement. Should this mode of defence be persevered in, it will be vain to expect prosperity. It appears to me therefore of vital importance to the re-establishment of these valuable tracts that the permanent Commandos be discontinued, and the protection of the Frontier provided for by some other means. The augmentation of the Cape Regiment naturally presents itself, not only from the facility with which it can be effected from our Colonial resources, but from the acknowledged fact that the Hottentot soldiers, from their activity and constitutional habits, are the troops best adapted to act in the woody Tracts which skirt our Boundary the Great Fish River. In this persuasion, I have resolved upon restoring the Cape Regiment to its original Establishment of 800 Rank and File, or in other words to add 200 to the present strength. To produce this levy, it will be necessary that the Districts furnish twice the number ordered upon the last augmentation, and as I am anxious that no delay should take place in accomplishing the measure, I have directed the accompanying letter of authority to be addressed to the Landdrosts of Graaff Reinet and Uitenhage. I have to request that the Fiscal, the Landdrosts of the Cape, Stellenbosch, and Tulbagh Districts may receive instructions to prepare their quotas exactly in the manner, and under the same arrangements, as upon the former augmentation. It will however be advisable that precau

tions are taken to prevent any misconception being entertained by the Recruits, as to the nature and unlimited term of their Enlistment, a misconception which occasioned some embarrassment when the late Levy joined the Regiment at Grahams Town.

I have not included the District of George in the present requisition, thinking it possible that the reasons which exempted that District from a participation in the former Provision of Recruits might still exist, but should Mr. Alexander judge it expedient to comprehend the District of George upon the present occasion, he will be so good as to determine the number, and deduct the same proportionally from the quotas he is to require from the other Districts.

I have now to represent the necessity that exists of giving to the Cape Regiment an additional number of Lieutenants to put them on a footing with the other Corps in His Majesty's Army who have an equal Establishment of Rank and File. The nature of the service in which the Cape Regiment is to be employed demands a very competent and effective Corps of Officers, and I am persuaded that His Royal Highness the Commander in Chief will rather approve than object to the measure when the case is brought to his view for recommendation to His Majesty, particularly as whatever expence may attend such an augmentation must be provided for by the Colonial Resources. It is this latter consideration that alone makes me hesitate to immediately address His Royal Highness upon the subject. As a preliminary step however, I have to request that Mr. Alexander will obtain from the Colonial Paymaster's Office a statement of the whole annual expence that will be incurred in the maintenance of an additional Lieutenant to each Company of the Cape Regiment, and that upon ascertaining the amount, he will consider whether it might not with propriety be divided among the different Districts, in addition to the contribution annually levied in commutation for relief from Commando service. In this manner the burthen will scarcely be felt, and I have too favorable an opinion of this Community not to feel assured, that when the people reflect upon the benefit that must result to every individual from the defence of the Frontier being exclusively committed to the Military, that nothing like reluctance to meet so desirable an object will appear.

(Signed) J. F. CRADOCK.

[Original.]

Letter from JOHN BARROW, ESQRE., *to* HENRY GOULBURN, ESQRE.

ADMIRALTY OFFICE, 22nd December 1813.

SIR,—I am commanded by my Lords Commissioners of the Admiralty to send you the accompanying copy of a list of persons composing the family and suite of Lord Charles Somerset, as delivered by his Lordship to Captain Brine of the *Medway*, and to observe that the persons mentioned in the margin are not included in the list transmitted to you, that if the four first are to be considered as Lord Charles' suite Colonel Draper cannot be so considered and must be separately paid for, as also Miss Rogers, if that Lady is to go, that the number of servants is much greater than their Lordships could have expected, and that an allowance of £100 ought to be made for the excess. I am &c.

Mr. C. Somerset,
Mr. P. Somerset,
Chaplain,
Secretary,
Do.'s Servant,
Chaplain's
Servant
doubtful,
Miss Rogers.

(Signed) JNO. BARROW.

[Enclosure in the foregoing.]

Persons composing Lord C. H. Somerset's Family and Suite.

Lady Charles Somerset,
Hon'ble Miss Somerset,
Hon'ble Miss Charlotte Somerset,
Hon'ble Mr. Chas. Somerset,
Hon'ble Mr. Plantagenet Somerset,
Chaplain,
Secretary,
Butler,
Cook,
Servant out of livery,
Do.,
Footman,
Boy,
3 Ladies Maids,
1 Woman Cook,
1 Laundry Maid,
1 Girl of Color,
1 Servant of the Secretary.
Doubtful whether the Chaplain has a servant.

Added since my receipt of the above :

Col. Draper,
1 Servant,
Mrs. Rogers (by command of their Lordships),
Miss Rogers,
1 Female Servant.

[Original.]

Letter from J. W. CROKER, ESQRE., to HENRY GOULBURN, ESQRE.

ADMIRALTY OFFICE, 23rd December 1813.

SIR,—In reply to your letter of this day's date stating that Lord Bathurst sees no reason why Colonel Draper should be ordered a separate passage, as he is proceeding to the Cape as Aid-de-Camp to Lord Charles Somerset, I am commanded by My Lords Commissioners of the Admiralty to acquaint you for his Lordship's information that tho' Lord Charles Somerset does not take two Aides de Camp to which he would be entitled without any additional payment, yet he has his two Sons, a Chaplain, and a Secretary with him, for whom no payment is recommended, and that therefore their Lordships are of opinion Col. Draper should be considered as a Supernumerary and ought, if he goes in the *Medway*, to be paid for accordingly. I am &c.

(Signed) J. W. CROKER.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 23rd December 1813.

SIR,—I have received and laid before the Prince Regent your Dispatches to No. 59 inclusive.

It was impossible to peruse the full and elaborate Report of the Commission of Circuit for the Year 1812, without feelings of the most lively satisfaction, not more on account of the attention which the Gentlemen composing the Commission have paid to every subject most interesting to the Colony, than on account

of the favorable picture which it draws of the improved disposition of the different Classes of the Inhabitants. On the Topics to which it principally refers, I forbear to offer any detailed observation until I shall have before me those further means of forming a judgment which your Tour through the Colony is so well calculated to afford. On one point however, namely, the publicity of Judicial Proceedings, the Opinion of the Commission requires no additional Confirmation. You will therefore consider Yourself as fully authorized to carry these suggestions on this point into effect, both in the Courts of Cape Town and in those which may be held on the Circuit.

I am sorry that by an omission in my dispatch of the 30th of January, I should have caused any difficulty in making to Mr. Tennant the payment to which he was considered entitled. The Service on account of which the Claim was made was clearly within the province of the Commissioners of the Transport Board, and should therefore be defrayed by a Bill drawn upon them.

I have etc.

(Signed) BATHURST.

[Original.]

Letter from JOHN BARROW, ESQRE., to HENRY GOULBURN, ESQRE.

ADMIRALTY OFFICE, 23rd December 1813.

SIR,—I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Earl Bathurst, the accompanying extract of a letter from Commissioner Dundas, dated Cape of Good Hope 4th September last, and to request that you will move his Lordship, in order to prevent delay in removing the Naval Arsenal from Cape Town to Simon's Bay, to give the necessary orders to the Colonial Government to accommodate the Naval Department with the Army Mess House at Simon's Town therein referred to, on such terms as may be agreed upon between the Governor and Commissioner Dundas. I am etc.

(Signed) JNO. BARROW.

[Enclosure in the above.]

Extract of a letter from COMMISSIONER DUNDAS to JOHN W. CROKER, ESQRE., dated Cape of Good Hope 4th September 1813.

“At present I wish to possess the Army Mess House at Simon’s Town, where two of the yard officers might have been lodged until their own houses were built, in order that they might be always on the spot to superintend the workmen, and proposed as an equivalent a house of greater capacity than the present Mess House, but this has been rejected by the officers, chiefly on the ground that the hall from whence the lodging rooms branch off, being used as a Mess room, would be very disagreeable to the married officers.

“The truth is, it is resolved the present Mess House is not to be given up, unless a new Officers’ Barrack is built on an enlarged scale. It is certainly impossible we can allow the yard to be incommoded with an Army Mess House, where frequent inebriety prevails, and that house too occupying the principal point of the yard; thus instead of receiving aid from the Colonial Government, as I was assured I should before I quitted England, I see nothing before me but obstacles to be daily thrown in my way, unless His Majesty’s Ministers will be pleased to give directions for the Government here to build an Officers’ Barrack, near to the Barracks now occupied by the Troops, for nothing I could build would give satisfaction. If however a Mess House is to be built at the expense of the Navy, I must request a plan may be sent out from England, from which I am not to deviate, and with which I hope the Army will be satisfied.”

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 25th December 1813.

SIR,—It appearing by a Communication which I have received from the Lords Commissioners of the Admiralty, that it would tend greatly to facilitate the execution of the improvements which are carrying on at Simon’s Town under the direction of that

Department if the Army Mess House there could be given up to the Navy, I have to desire that you will take the earliest opportunity of concerting with the Naval Commissioner some arrangement for the accommodation of the Military Officers at Simon's Town which may have the effect of leaving their present Mess House at the disposal of the Navy. At the same time however that you take care that no trivial objection shall stand in the way of such arrangement, you will only consider yourself authorized to give up the present Mess House when such another shall be provided by the Navy as shall afford in your Opinion competent accommodation for the Military. I have etc.

(Signed) BATHURST.

[Original.]

Letter from EARL CLANCARTY *to* VISCOUNT CASTLEREAGH.

THE HAGUE, 25th December 1813.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's dispatches Nos. 10 and 11 by the packet which arrived on the 21st and Nos. 12 and 13 which reached me yesterday by the messenger Parsons.

The following dispatch will be devoted to the subject of Trade.

Your Lordship's directions contained in your dispatch No. 11 will be punctually fulfilled. Immediately upon their receipt I prepared a note to His Excellency M. de Hogendorp, requesting him to move His Royal Highness to give the necessary directions with all convenient speed for furnishing me with copies of all the documents therein required; but aware that these must ultimately be collected from the Department of Finance, previous to the transmission of my note I took occasion to converse with Mr. Caumman, the Commissary General of Finances of this Government, upon the subject, who assured me he would immediately proceed to collect all the information required by Your Lordship.

Previous to the receipt of Your Lordship's No. 11, I had in some degree anticipated the wishes therein expressed, and had called for some explanations of the Royal Decree of the 7th instant. Your Lordship will from the copy of my note of the 13th instant, and from the satisfactory answer thereto from M. de Hogendorp dated yesterday and received last night, acquire some useful

information respecting the commercial regulations of the Dutch Government, which may serve to guide the speculations of our merchants till the more enlarged set of documents called for by Your Lordship can be prepared.

The papers mentioned in Mr. Hogendorp's note yesterday will be translated and sent by the next packet.

Mr. Caumman availed himself of the opportunity afforded by the conversation above alluded to, to touch upon another subject which, as I have every reason to believe it will be formally brought forward, I think it requisite to mention to Your Lordship.

The point alluded to was the necessity under which the Dutch Government would find itself of seeking from the justice and generosity of His Majesty's Government permission for the merchants, and more especially for those of this country who are proprietors of plantations there, to carry on a direct trade with the West India colonies formerly under the dominion of the United Provinces. That they did not seek the immediate restoration of the whole or of any part of those colonies; that in truth, without troops, without finances or other means of protection, they were in no state at present to receive them under their dominion, should the Government of Great Britain be at present disposed to relinquish them. That reduced and impoverished as they were from the oppression of the French, all they could at present seek was permission to trade immediately with those colonies, or at least that those who possessed plantations there should be permitted to carry on a direct commercial communication with their several properties. That a boon of this sort was abundantly necessary to enable the Dutch Government and people to meet the heavy pressure of war by thus adding to their resources, and to fulfil the wishes of Great Britain and of the other Powers forming the grand alliance. That deputies from the Chambers of Commerce of Amsterdam and Rotterdam were expected speedily by the Prince urging a formal application to be made to the British Government upon this subject, and that he had therefore thought it necessary to notice it in private conversation with me, and feeling the importance of it to his country he could not avoid stating that it was one in which his Government must feel itself considerably interested.

I answered him by stating it to be my opinion that so much was the British Government engaged in providing means for the military assistance of the general cause upon the Continent, of

which the independence of the United Provinces formed, in the view of His Majesty's Ministers, so principal a feature, that I could scarcely imagine they had yet had time to lend their attention to commercial details, but that certainly I had not yet received any instructions upon this subject, and consequently whatever passed between us must be considered as private conversation, and whatever was said by me as private opinion only. That with this observation I had no hesitation in stating very frankly to him that I did not consider the proposal likely to be made as unattended with considerable difficulty; that in speaking of the generosity of Great Britain, she might consider that she had a duty of justice previously to discharge towards her own subjects. That he (Mr. Caumman) as being himself a proprietor of plantations in those colonies must be aware of the amount of British capital expended in their maintenance, and of the consequent sufferings of our merchants from the anti-commercial continental system, and that he could therefore form to himself some judgment of the nature of the difficulty of acceding to the request and thereby depriving our merchants at the very first moment at which any fruits were likely to be received from these colonies of a considerable share in those advantages which their heavy sacrifices had so well merited. That for such of these colonies as might be ultimately restored to this Government he must be also sensible that the advances made by British capital would hereafter be a permanent gain to this State, while at the same time he must recollect that the public expense of their government, maintenance, and protection afforded to Great Britain the exclusive right of direct commercial intercourse with them.

It will be for Your Lordship to decide whether any weight ought to be attached to the observations I thought it my duty to make (without in any degree committing my Government) upon this subject.

It has always appeared to me a proper line for my guidance, in cases on which I have received no instruction, to place such objections as present themselves in the shape of private opinions, in apparent opposition to proposals thus opened, in order to ease the task of His Majesty's Government should they think it necessary to decline, or in the other alternative to heighten the merit of their concessions. I have etc.

(Signed) · CLANCARTY.

[Original.]

Letter from the REVEREND DR. COKE *to* HENRY GOULBURN, ESQRE.SOUTHEAST, PORTSMOUTH, *December 27th 1813.*

SIR,—I feel exceedingly reluctant to trouble Lord Bathurst or you again on the subject of our Mission after the many favors so lately conferred upon me. But the following circumstance, Sir, induces me again to venture on your kindness.

You favored Mr. John McKenny who is going as a Missionary to the Cape of Good Hope, with a letter from Lord Bathurst to Sir John Cradock. But as Sir John Cradock will, I suppose, leave the Cape before the arrival of Lord Charles Somerset, and Lord Charles may not consider it as agreeable to etiquette to open the Letter addressed to Sir John, I entreat the favor of my Lord Bathurst to grant to Mr. McKenny a Letter to Lord Charles. What I observed to Lord Bathurst I beg leave to repeat to you, Sir, that I have the fullest confidence in the virtue, talents, prudence, and discretion of Mr. McKenny. Mr. McKenny will do himself the honor of waiting upon you, Sir, with this letter, and if the Letter of recommendation cannot be given at the time, will wait upon you at any other time appointed.

I request the Right Honorable Earl Bathurst and yourself, Sir, to accept of my most sincere thanks for all the favors conferred upon me. A sense of gratitude will indelibly remain in my heart both towards his Lordship and the Government. I have &c.

(Signed) T. COKE.

[Office Copy.]

Letter from LORD BATHURST *to* SIR JOHN CRADOCK.DOWNING STREET, *28th December 1813.*

SIR,—Since my Letter of the 23rd Instant, No. 28, was closed it has been represented to me that Mr. Tennant has duly empowered his Agent in this Country to receive the Amount of the Claim therein alluded to. You will therefore abstain from drawing a Bill upon the Transport Board for this Service, as recommended in my letter; and directions will be given for the settlement of the Claim with Mr. Maude, the Holder of Mr. Tennant's Power of Attorney in this Country. I have etc.

(Signed) BATHURST,

[Copy.]

*Abstract of the Accounts of His Majesty's Receiver General at
the Cape of Good Hope for the Year 1813.*

REVENUE:

	Rds.	skil.	st.
Balance	67,377	6	5½
Lombard Bank	80,551	0	4
„ (repayments)	172,919	5	3
Vendue duties	135,813	4	4
Customs	153,719	3	1
Land revenue	122,241	5	4
Tithes and transfer duties	185,936	6	1
Stamps	87,588	1	0
Sequestrator's department	4,497	0	2
Printing department.	7,079	7	2
Commando tax	55,000	0	0
Port dues	6,665	6	0
Postage	6,310	7	0
Fines	7,935	2	4
Fees of offices	36,866	4	1
„ wine taster's department	6,689	6	0
Annual repayment by Stellenbosch	3,000	0	0
Purchase money of lands	868	6	4
Rent of a mill	231	0	0
Tolls	11,030	0	0
New paper money	200,000	0	0
Miscellaneous receipts	3,965	4	3½
	<hr/>		
	Rds. 1,356,288	6	3

EXPENDITURE:

Civil list, sterling salaries	234,546	6	3
Colonial salaries	307,311	2	4
Public buildings, erection of new, and repairs of old buildings	142,912	7	1
Cape regiment	213,371	5	1½
Pay of Hottentot captains	1,740	0	4½
Burgher Senate, for waterworks	36,151	4	2
Expenses of offices	22,716	1	5
Criminal prisoners and convicts	12,422	3	0½
Bible and school fund, in aid of the same	3,396	1	2
Freight and passage money, travelling expenses, &c.	4,251	2	0
House rent and lodging money.	3,293	2	4
Vessels and boats, purchase money and repairs of ditto, including charges of the harbour master's departments at outposts.	6,372	2	1

	Rds.	skil.	st.
Brought forward	988,485	7	4½
Buckbay and Grootepost establishments	1,985	3	0
Frontier service	12,503	5	4
Government Constantia wine	5,433	4	0
Commission of circuit	5,572	4	0
Timber.	11,002	0	0
Roads and bridges	11,380	4	4
Expenses incurred on account of the small pox	17,775	6	3
Lombard bank	200,000	0	0
Miscellaneous expenditure	19,147	7	5
Balance	83,001	3	0½
	<hr/>		
	Rds.	1,356,288	6 3
	<hr/>		

(Signed) J. W. STOLL, Rec^r Gen^l.

MISCELLANEOUS RECEIPTS:—1813.

	Rds.	skil.	st.
Fiscal's department, the amount of expenses refunded by several masters whose slaves were criminally prosecuted and afterwards returned to them	707	0	0
Colonial paymaster, repayments on account of the Cape regiment	2,809	1	0½
Mrs. Becker, for a quantity of brushwood growing on a piece of land granted to her	150	0	0
Vendue master, amount of timber sold	299	3	3
	<hr/>		
	Rds.	3,965	4 3½
	<hr/>		

(Signed) J. W. STOLL, Rec^r. Gen^l.

SUNDRY EXPENDITURE:—1813.

	Rds.	skil.	st.
The funeral expenses incurred in the burial of two soldiers of the 2nd batt. Royals.	30	0	0
Dr. Glazier, for the loss of a horse by the distemper in the Zuurveld	100	0	0
Captain Smart, pay of the men employed in sinking a well at Green Point	153	7	3
Mr. Turr, in reimbursement of the expenses incurred by him in coming to this colony	825	0	0
Surgeon Mann, expenses in hospital of T. Alwood	26	6	4

	Rds.	skil.	st.
Brought forward	1,135	6	1
Colonel C. Alvey de Silva, subsistence money	285	0	0
Commissary-General, camp equipage.	901	1	2
Acting colonial paymaster, as a proof of his Excellency the Governor's approbation of the personal good conduct and length of service of the deputy receiver general and the cashier of the discount bank	1,000	0	0
P. L. Cloete, Esq., agent for Lieut-Colonel Campbell, the additional allowance claimed by the latter for having acted as town-major from January 1806 to January 1808	2,000	0	0
Colonel C. de Silva, subsistence money	300	0	0
Captain Smart, pay of the men employed to sink a well at Green Point	164	5	5
Mr J. B. Roza, late deputy collector at Mozambique, in order to be enabled to discharge the debts which he has been obliged to contract during his stay in this colony	300	0	0
Colonel C. de Silva, subsistence money.	170	0	0
Captain Smart, pay as before	118	1	2
Mr. Tier, provisions &c. for the use of Colonel de Silva	561	6	0
Passage money of Ditto to St. Salvador	1,000	0	0
H. Alexander, a bill bought by him on account of the Colonial government	5,455	7	4
Lieut. Underwood, his travelling expenses to Plettenberg's Bay	150	0	0
Mr. Bruchheiser, meat for lions, &c.	652	4	4
The freeman Baatjee, an indemnification for the loss sustained by him, by his hut having been burned by direction of His Majesty's fiscal, a person infected by the small pox having been found within the same	100	0	0
Civil paymaster, the allowance granted to Mr. Stoll for extra services, from 21st November 1812 to 3rd of June 1813.	2,523	6	0
Captain Smart, pay as before	107	5	2
Dr. Waite, expenses of John Robinson, who was admitted into the hospital of the 83rd regiment.	13	3	2
Premiums given at the farming of the wine licences	1,065	0	0
Captain Smart, pay as before	55	7	0
Mr. Pahud, to defray his expenses to Batavia	500	0	0
Surgeon Mann, the expense of S. Gonn	46	6	3
Mr. Bruchheiser, meat for lions, &c.	184	0	0
Mr. Sturk, Caffre presents	356	2	4
	<hr/>		
	Rds.	19,147	7 5

(Signed) J. W. STOLL, Rec^r Gen^l.

*Return showing the Population and Cattle in the Possession of Individuals at the Cape of
Good Hope in the Year 1813.*

	CHRISTIANS:					HOTTENTOTS:				SLAVES:				CATTLE:									
	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Boys.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Saddle Horses.	Breeding Horses.	Draught Oxen.	Breeding Cattle.	Wethers.	Breeding Sheep.	Spanish Sheep.	Goats.	Asses.	Pigs.
Cape Town . .	3,646	& do	3,666	& do	.	241	& do	198	& do	5,195	& do	3,256	& do	..	..	..	..	..	..	..	..	..	..
Cape District .	584	362	361	425	52	229	164	256	120	2,291	468	615	424	2,111	2,866	9,993	6,110	5,612	9,541	6,746	7,255	168	402
Stellenbosch . .	1,202	982	880	1,151	1	423	275	464	308	4,095	951	1,732	796	4,851	4,216	16,776	4,416	984	26,835	4,000	15,323	27	398
Swellendam . .	1,164	1,162	806	1,338	33	670	558	679	573	1,103	477	587	440	2,446	10,512	13,694	22,383	5,203	103,198	4,060	63,401	..	1,001
Graaff Reinet .	1,606	2,082	1,208	2,080	.	1,575	1,174	1,828	1,182	959	223	609	215	3,060	5,932	15,166	56,509	2,560	1,039,473	996	75,501	..	18
Uitenhage . .	642	820	461	769	.	581	484	635	485	908	97	257	93	530	1,156	7,640	29,269	..	208,321	..	40,909	..	..
Tulbagh . . .	1,115	987	781	1,136	11	1,251	1,041	1,240	1,029	1,624	614	865	594	3,531	8,814	14,919	23,539	16,051	351,377	24,777	78,365	..	714
George. . . .	649	600	519	573	24	566	704	663	540	577	256	358	240	747	2,340	10,804	24,502	3,328	44,704	245	26,587	1	606
Total. . . .	10,608	6,995	8,682	7,472	111	5,536	4,400	6,013	4,237	16,152	3,086	8,279	2,802	17,276	35,836	88,992	166,728	33,738	1,783,449	40,824	307,341	196	3,139

Return showing the State of Cultivation and Quantity of Land occupied at the Cape of Good Hope in the year 1813.

	MUIDS SOWN:				MUIDS REAPED:				VINES.	Leaguers of Wine.	Leaguers of Brandy.	Waggons.	Carts.	Freehold Places.	Loan Places.	LANDS IN FREE-HOLD:				LANDS IN QUIT-RENT:			
	Wheat.	Barley.	Oats.	Rye.	Wheat.	Barley.	Oats.	Rye.								Places.	Kruen.	Morgen.	Roods.	Places.	Kruen.	Morgen.	Roods.
Cape Town	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	556
Cape District	2,809½	832½	2,939	51	21,406	16,381	16,007	447	1,705,003	371½	14½	530	83	12	121	139	25	8,613	564	..	..	4,048	553
Mellenbosch	5,008	787½	2,805	86½	32,122	8,791	15,141	534	15,245,418	5,293	322½	1,154	197	..	106	374	214	17,553	302	..	..	1,071	320
Mwellendam	2,767	913	163	5½	31,254	12,885	1,693	39	1,303,024	276	61½	964	52	..	459½	102	..	..	..	2	..	..	..
Grassf Reinets	337½	214	..	..	7,938	4,212	..	..	317,100	115	27	1,300	22	..	370	1	72½	..	..	..	..	..	..
Uitenhage .	287	97½	18½	0½	4,231	1,111	271	5	95,000	24½	3	489	5	..	151	..	..	..	..	..	..	..	..
Tulbagh .	3,121	841	519½	202½	28,860	10,271	3,205	1,592½	1,313,618	485½	71½	1,105	108	14	627½	22	35	1,943	905	..	..	6	..
George . .	785	349½	29½	7½	9,878	4,437	173	13	805,875	159	79	522	19	..	223	8	..	..	..	22	..	..	..
Total .	15,115	4,035	6,474½	351½	135,689	58,088	36,490	2,630½	20,785,038	6,724½	579½	6,084	486	26	2,058	846	346½	28,615	2,240	24	..	5,130	1,429

[Original.]

Return of the Ships and Vessels under command of REAR ADMIRAL TYLER at the Cape of Good Hope on the 1st of January 1814.

Lion, 64 Guns, in Simons Bay.

Semiramis, 36 Guns, do.

Stag, 36 Guns, do.

Harpy, 18 Guns, in the Track to afford protection to the Trade.

(Signed) CHAS. TYLER, Rear Admiral.

[Original.]

Letter from THOMAS COURTENAY, ESQRE., to HENRY GOULBURN, ESQRE.

INDIA BOARD, *January 3rd 1814.*

SIR,—I have the honor of transmitting for Lord Bathurst's consideration two letters with their enclosures, which I have received from the Secretary to Government at the Cape of Good Hope communicating the directions of Sir John Cradock relative to the completion of the Water Works at that Settlement, and instructing me to make application to the Treasury of England for the necessary funds.

His Lordship will recollect that when at the commencement of the last year a loan was procured from the Treasury for the purpose of enabling me to furnish a Printing Press and Agricultural Implements and other articles required at the Cape, considerable objection was made on the part of the Lords Commissioners of the Treasury to the advance of any further sum for those or similar purposes; and with the view of facilitating the transfer to this Country of such parts of the Colonial Funds as might be required here, directions were, under their Lordships' orders, given to the Commissary to the Forces in the Settlement to give Bills on their Board for whatever sums might be placed in his hands by the Colonial Government.

I lost no time in communicating to the Governor of the Cape

what had passed on this subject; and by the first opportunity that occurred after the receipt of the first of Mr. Alexander's letters, I repeated that intimation, with a request that I might be furnished with the funds in the mode prescribed.

As however I could not at that time ascertain the amount required, and as I have been given to understand by the Assistant Secretary, who was lately in this Country, that it is not probable that the Cape funds will have been sufficient for the necessary remittance, I have not a very confident expectation of receiving from the Cape the amount of Mr. Rennie's charges, of which he has lately furnished me with an estimate amounting to £4,200.

Of the loan of £5,000 to which I have already alluded, there will in consequence of a part of the orders for its application having been suspended at the desire of Lt. Colonel Bird, remain unappropriated until I shall have received other instructions from the Cape, a proportion of nearly £1,300.

This sum, I propose, should Lord Bathurst see no objection thereto, to apply towards the expense of the Water Works.

But a sum of at least £2,900 will still be requisite, and it is for Lord Bathurst to decide whether under the circumstances I have stated, and considering that the Works in question have already been sanctioned by this Government, and the funds in great part supplied from the Treasury, it may be proper to issue in the same manner the sum necessary to complete the Works.

Should such an arrangement be made, and should the Governor of the Cape be enabled to supply the necessary funds, it will of course be my duty to repay so much of the Loan as the remittances received may enable me to discharge. I have &c.

(Signed) THOS. PER. COURTENAY,
Colonial Agent for the Cape of Good Hope.

[Copy.]

Government Advertisement.

CASTLE OF GOOD HOPE, 7 January 1814.

His Excellency the Governor and Commander in Chief takes the earliest moment, upon his return to Cape Town, to make his

warmest acknowledgment to the respective Chief Magistrates and subordinate Officers, for their uniform attention and assistance, throughout his long and extended tour.

To every branch of the Military Service, in their various and singular stations, in the Interior, His Excellency also hastens to offer his particular thanks.

His Excellency cannot be less anxious to express his unfeigned sentiments of approbation, upon the good order, the apparent kindness, and general conciliation of all classes of Inhabitants to each other; and while he has witnessed the example and proper authority, exercised by the superior Magistrates, and all other Persons in power, he has had the correspondent satisfaction to observe the respect and subordination shewn by the lower orders, and the due conformity to the Laws and Regulations. The main principle of all Governments, "protection and obedience" throughout every rank, seemed to be understood, and has produced these happy consequences.

His Excellency, with heartfelt gratification, reflects upon the success of the Paternal Orders of His Majesty's Ministers to the successive Colonial Governments; and it is to the progress of Religion, Education, and Moral Instruction, in evident encrease, he attributes the power to make the present sincere avowal, that he has not met with one complaint, nor has he discovered any one instance of cruelty, oppression, or prevailing misconduct.

His Excellency the Governor has had the further satisfaction to approve of the good and unoffending conduct of the Inhabitants of the Frontiers towards the Kaffer Tribes, the faithless and unrelenting disturbers of the peace and prosperity of this Colony; and it must continue to be equally the bounden duty of the Colonial Government and of all the other Districts, placed in a more favorable situation, to relieve and protect, at whatever may be the expence, these exposed and harassed parts of the Country. It will also merit the foremost consideration, to re-establish the Zuureveld, so lately rescued from the merciless possession of these Invaders, and therein to derive from this most fertile and fairest Province of the whole Settlement, all the advantage and credit it cannot fail, under peace and security, to confer.

It will now remain the pleasing duty of His Excellency to represent to His Majesty's Ministers the view of the Colony of the Cape of Good Hope, at the present hour, and express in

adequate terms, that His Majesty's Subjects fully deserve the continuance of those favors, and that consideration, so eminently conspicuous on all late occasions.

By His Excellency's Command.

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to direct that that part of the District of Uitenhage formerly called Zuureveld shall in future be known, and called by the name of Albany.

Castle of Good Hope, 7 January 1814.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 12th January 1814.

MY LORD,—With reference to the Correspondence that has passed between Sir John Cradock and this Department on the subject of the Condemnation under the order in Council of the 23rd of June last, of certain American Property at the Cape of Good Hope, I now transmit, for your Lordship's information, the Copy of a Letter which has been received from Mr. Harrison, Secretary to the Treasury, dated the 6th Instant, with the enclosures therein referred to, from which you will perceive that the directions which have been issued by the Admiralty will have removed the impediments to the Condemnation of the Property above adverted to I have etc.

(Signed) BATHURST.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *January 12th 1814.*

MY LORD,—I have the honor of acquainting your Lordship that I returned to Cape Town on the 7th inst. from visiting the Frontier and making the tour throughout almost the whole of the Interior of this Colony.

It will be my duty to lay before your Lordship, at as early a period as possible, several considerations that arise for the further improvement of this extensive Settlement, but, in the mean time, I cannot withhold from your Lordship's knowledge that all that I have witnessed has given me the greatest satisfaction, and that with confidence I may assure His Majesty's Government, the greatest progress is evident in religion, education, and all those moral principles which will establish the good order and prosperity of a country.

As I felt unfeignedly, that all classes of persons deserved praise, I thought it proper on my return to communicate to them my sentiments as incitement and encouragement in the continuance of their good conduct, and I take the liberty of submitting to your Lordship my address. I have etc.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from the EARL OF LIVERPOOL to the EARL OF CLANCARTY.

FOREIGN OFFICE, *January 21st 1814.*

MY LORD,—You will receive by this mail an official answer to your Dispatch No. 16.

I quite agree with you and Lord Castlereagh that the restitution of the Dutch colonies should be made in proportion to the degree of independence which the Government shall be enabled to maintain by the arrangements at the re-establishment of Peace; but I

always considered this principle as rather applicable to their colonies in the East Indies, which are points of strength and empire, than to those of the West Indies, which are purely commercial; and I can hardly see any arrangement by which the independence of Holland under the Prince of Orange could even be inadequately secured, in which it would not be proper to act liberally with respect to those colonies, whatever might be the determination with respect to those in the East.

I should certainly have preferred the subject being suffered to sleep for the present; but as it has been brought forward, it appears to us that there is a great difference in the liberality of the two concessions which it is proposed to make, and very little, if any, in the inconveniences which occur in adopting either of them; for they are both without precedent, both are invasions of our existing colonial system, will give rise to some new claims on the part of our own merchants and planters, and will require the aid of an Act or Acts of Parliament.

As it is a great object, in our opinion, to keep up the popular feeling in Holland in favor of this country, not only for our own sakes, but for that of the Prince of Orange, we have therefore thought the most liberal concession upon the whole the wisest, especially as the question of restitution is proposed to be entirely reserved.

I have no doubt that to Holland independent, Surinam must be restored. The question respecting Demerara, &c., stands upon very different grounds; and I do not think, after all the representations we have received on this subject, that it will be advisable to restore their settlements without a stipulation that they shall be open to intercourse with Great Britain.

It may therefore be a question, whether it is not more for the interests of Holland that these Settlements should in that case be held by Great Britain under a system of common intercourse to both States, than that they should be held by Holland under such circumstances.

As any such arrangement would be entirely new in our colonial system, and may create jealousy in some of our ancient colonies, it will be an important question for consideration how far it may not be expedient to open our respective colonies in the East Indies to the trade of each country under certain regulations.

I have no decided opinion upon this question, but it may be

well to consider it; and the very consideration of it makes it desirable that this arrangement should be considered as adapted only to the present circumstances, and as leaving the whole subjects of colonial interests to be permanently settled when we know better than we can now the general nature of the Peace with which the War is likely to be terminated.

If anything should be said to you on the subject of the Dutch colonies in the East Indies, it may be well that you should discourage any discussion respecting them at present. Such discussion cannot be necessary for the purpose of trade, as you are aware that by our existing laws and system the East Indies are open to the trade of all neutral nations. I have &c.

(Signed) LIVERPOOL.

[Copy.]

Memorial of the REV. J. CAMPBELL *to* SIR JOHN CRADOCK.

Humbly sheweth

That Memorialist when travelling towards Cape Town from Namaqua Country heard that a considerable number of people lived along the foot of the Cedar Mountains, situated in the division of Jan Dissels Valley in the Drostdy of Tulbagh, that those people had no Instructor of any kind residing among them, and far removed from any. On arriving at Tulbagh, Memorialist laid the state of these people before the Landdrost and the late Revd. Mr. Ballot, inquiring if they had any objections to a Missionary being sent thither to instruct the people in the principles and practice of Christianity and in reading. They both stated they had none. Having the concurrence of these Gentlemen, Memorialist sent a Mr. Kramer, Missionary from Klaar Water (who happened to be at Tulbagh) to visit Cedar Mountains, in order to obtain additional information respecting the condition of the people, and their willingness to receive an Instructor.

On arriving at Jan Dissels Valley, Mr. Bergh, Deputy Landdrost, expressed much satisfaction at the prospect of relief being likely to be sent to that poor people, and gave every assistance in

his power to Mr. Kramer on his journey. Mr. Kramer found the number of persons to be :

Whites	16
Baptized Bastards	63
Unbaptized Do.	168
Slaves	10
	<hr/>
Total	257

Of whom 52 can read, and 16 spell. The people expressed great satisfaction on hearing that a Teacher was likely to come among them.

Mr. Kramer found there a place which had not been occupied for 6 years, the last person who occupied it was a Mr. H. B. who died in prison. It is called the Dwars River (or Cross River), has Mr. Botman's place on the north, Mr. B. P. Lubbe's on the south, and Mr. John Muller to the east, with the Snow Mountain on the west.

Mr. Kramer, who is a worthy and peaceable man, has expressed a willingness to labour for the benefit of that people, were His Excellency's permission obtained, and a grant of the above place.

Memorialist is encouraged to hope that such a grant to the London Missionary Society will meet with His Excellency's concurrence, from his knowledge that the improvement of the Boers, Hottentots, and slaves is considered by the Government as an object of the utmost importance. He will therefore use no arguments to prevail with His Excellency, but allow the facts stated above to speak for themselves.

II.

Memorialist when at George last February on his way to the Interior was applied to by the Captain and people of Hooge Kraal, in the neighbourhood of that Drostdy, in the most earnest manner to send them an Instructor. On this application being made, he visited the kraal, and found them extremely ignorant and very desirous of relief. One old man said he had no more knowledge than a beast. A Mr. Pacalt, Missionary from the London Society, being at that time nearly unemployed, and only waiting till one could be found willing to accompany him on a Mission to the Island of Madagascar, Memorialist stated to the Landdrost that

if he had no objection to an Instructor being employed for a time among those Hottentots, Mr. Pacalt should be written to for that purpose. The Landdrost expressed his approbation, he was written to, and requested to remain there till his removal to Madagascar.

As there is no immediate prospect of that Missionary removing to that Island, he has expressed a desire to remain at Hooge Kraal, and this application is to solicit His Excellency's permission to his remaining at that kraal, on the same footing as the Missionaries at Bethelsdorp.

III.

When returning from the Namaqua Country October last, Memorialist found at Kamis Mountains, near the limit of the Colony, in the District of Jan Dissels Valley, a considerable kraal of Hottentots enveloped in the grossest ignorance. He held conversation with them by means of an Interpreter, and found them very willing to be instructed. Greater objects of commiseration cannot easily be conceived. Extreme wretchedness seems depicted in every countenance. If His Excellency would be pleased to grant permission for a Missionary to reside among them, Memorialist will do all in his power to obtain one for them from England. He is positively certain, that were His Excellency only to see them, the sight would plead with irresistible force on his Excellency's heart.

IV.

There is a kraal of Hottentots at the Great Zwarteberg, in the District of Graaff Reinet, whose Captain's name is Piet. This kraal the Memorialist did not visit on his journey to the Interior, not having heard of it when in that part of the country, but he learnt afterwards that the Commission had remarked that Piet's kraal would be a very suitable station for a Missionary, and as Mr. Winmaer, who has been several years a well behaved Missionary at Bethelsdorp, has by letter expressed a desire to go as an Instructor to that kraal, the Memorialist has written to him expressive of his satisfaction with his proposal, and that the matter should be laid before His Excellency the Governor for his permission, which Memorialist hopes will accord with His Excellency's enlightened views respecting the promotion of the general good of all ranks in the Colony of South Africa.

Memorialist cannot conclude this paper without expressing his thanks to His Excellency for the many marks of favor and attention which His Excellency has conferred upon him during his residence in South Africa, and he is certain that the grant His Excellency has already made of Theopolis in the District of Albany will excite gratitude in the hearts of tens of thousands at the other end of the Atlantic, and he is persuaded that when His Excellency has retired from the cares of Government that that act will afford pleasant reflection to His Excellency's mind.

He perfectly confides in His Excellency that he will cause that Land to be conveyed in such a manner to the London Missionary Society as shall secure its permanency for promoting the objects for which it is granted.

Wishing every blessing to His Excellency and family, the Memorialist subscribes himself &c.

(Signed) JOHN CAMPBELL,
Deputy from London Missionary Society.

CAPE TOWN, *January 21st* 1814.

[Copy.]

*Considerations why Hottentot Kraals should be allowed to receive
Instructors among them.*

Submitted by the REVEREND JOHN CAMPBELL.

Equity, policy, and humanity speak something in their favor.

Equity.—They are the aborigines of the country : it was unquestionably the property of their ancestors. Europeans have deprived them of this property, and equity pleads for some compensation. Instruction is a more valuable compensation than any pecuniary donation, and can be afforded with less inconvenience to the Government.

A Kraal is a village, the inhabitants of which are acknowledged by the Government to be a free people ; they are considered to have a right to go into the service of the Boors and to return home from it at pleasure, if they wish to devote a part of their time, which is acknowledged to be their own, to receive instruction. Equity says they ought not to be hindered.

The golden rule of equity laid down by the universal Legislator

is "whatever you would that men should do to you, do ye even so to them," which binds us in equity to endeavour to remove ignorance and wretchedness wherever we find them.

Policy.—It does not appear to be the interest of Governments to keep their subjects, or any considerable portion of them, in a state of ignorance and barbarism, because they can be of comparatively little service to Governments while they remain in that state; but they may be easily prevailed on, by designing men, to do essential injury. The Government of Russia has these principles of policy; it gives every encouragement, even to protestant missionaries, to go to the uncivilized parts of the Empire.

The late Earl of Selborne applied to the Wesleyan Methodists, for whom he had certainly no predilection, to send some of their preachers to the miners on his estate, to try to bring them into a state of civilization and order. He did so merely on the ground of policy.

To grant instruction to the Hottentots would certainly attach them more to the Government, and from the thinness of population in the Colony, this consideration is very important.

Humanity.—Most of the Hottentots who live in kraals are, as to outward circumstances, miserable and wretched in the extreme. They have mere existence, without any outward comfort, except the consideration that they are not slaves. No man of any humanity can view their kraals without having all his feelings harrowed up, and heart rending reflections rushing into his mind, and the question will force itself upon him, how can the circumstances of these poor creatures be ameliorated? To teach them to read, and to furnish them with the Scriptures and other books to read, would at least afford them many mental comforts. The strongest argument I have heard against their instruction is that it would lead them from the service of the Boors, and much ground now cultivated could not in that case be cultivated for want of people to do it. I allow that this consideration deserves serious attention.

The Kraals are not in the service of the Boors, but people belonging to these Kraals often enter into the service of the Boors, some for a longer, and others for a shorter period, after which they return to their Kraals; wherefore the question is reduced to this point, viz. Is the instruction of the Hottentots likely to render more rare their serving the Boors?

It is almost an axiom in South Africa that the Hottentots are hardly dealt with by many of the Boors, and only pressing want or pressing invitations bring back those who have been treated with harshness and injustice before. Perhaps were the Hottentots better educated, they would be more respected by the Boors, and consequently be better treated, and hence would love to serve them, so that at seed time and harvest the Boor would only have to intimate to the nearest Kraal how many he wanted to assist him, and he would have them. There is not a moral or mathematical certainty that this would be the result of instruction, but there is strong probability.

The Bastard Hottentots are a kind of outcasts from society, being neither Dutchmen nor Hottentots. Nothing disgraces a Boor more than to have illicit connection with a Hottentot; of course when he has such a connection the spurious offspring must be banished from his father's house, when he comes of age to know what he is, and to tell it to others. The emigration of a few such persons many years ago from the Colony was the origin of the Griquas at Klaar Water beyond the Great River. Many others are associated at the foot of the Cedar Mountains in the Drostdy of Tulbagh.

Though these persons be a little more civilized than the Hottentots, they are nearly in the same state as to knowledge, their education having been neglected by their parents.

[Copy.]

*Extract from a Letter from COLONEL VICARS to
COLONEL REYNELL.*

UITENHAGE, 22nd January 1814.

Everything is particularly quiet here at present, no Kaffer has been across the Boundary since our expedition except a friendly visit from two or three of Gaika's men, who brought back Eighteen Head of Cattle (one of them Mr. Berckall's) to Van Aarde's, Captain Andrew's Post, who said that Gaika was extremely desirous to be friendly with us, and that he would not allow any further depredations. I place no confidence whatever in him notwithstanding his protestation.

(Signed) EDWARD VICARS.

[Copy.]

Memorandum by SIR JOHN CRADOCK.

27th January 1814.

It appears to me of the highest importance for a proper, well understood and permanent adjustment of the Finances of this Colony, that the subject of the issue of new Paper Money to the amount of One Million Rixdollars, as applied for by the Earl of Caledon, and sanctioned by the British Government on the 3rd March 1810, should at present be brought into full view; and such measures adopted as will best fulfil the orders of His Majesty's Government upon this head, accomplish the various objects for which the money was originally designed, and secure the reimbursement to Government in the manner most beneficial and just to the parties concerned, not only in the present day, but at the periods of repayment more remote.

The sum in question, one million of Rixdollars (with the exception of 100,000 still to be made upon similar occasions) has been issued under the orders of my predecessor, the Earl of Caledon, and myself, to this triple effect, viz. to the Encrease of the Funds of the Lombard Bank, the payment of Civil Buildings, Water works, &c., as instituted by the Earl of Caledon, and also the expences of such Public Works as it may have fallen to my share to direct, of the same nature.

Most, if not all of these objects, except the allotment of 500,000 Rixdollars to the Lombard Bank, are still in actual and progressive operation, and will require immediately some fixed arrangements to prevent confusion, and keep them in that course of settlement and liquidation prescribed in the following orders of His Majesty's Government:—

(See letter of 3rd March 1810, page 260, Vol. 1809–1811.)

The foregoing Instructions require great consideration, for they connect the repayment of the Interest of the Sums advanced, with Instalments upon the Capital; and at the same time direct that this interest is to make no part of the ordinary Revenue. Unless this point, from closer deliberation, be perfectly understood, we must either suppose some inconsistency in those Instructions, or

act in opposition to them, if any part of the Interest is diverted and constitutes for a moment any share of the Public Revenue.

Another difficulty will arise in the adjustment of these accounts, from the nature of some of the works to be executed, which cannot yield Interest, or even lead to any repayment, as totally belonging to Government in its most general capacity. I will instance the buildings for civil offices in Cape Town, which amount to a great sum, and to them may be added the English Church, Parsonage, &c., at Simons Town, for which it cannot be expected the Dutch Inhabitants are to bear the expence. In the review of the expenditure other charges of a similarly general nature will be found, and it seems required, that their consideration should be early attended to, and the liquidation not be left to chance.

It appears to me that one main point is to rule all deliberations on this subject, which is, to return into the Lombard Bank, as soon as practicable, all the money made through the order of the 3rd March 1810, if not (through any political reasoning) the sum allotted to the Capital of that Bank, most absolutely, the 500,000 Rixdollars advanced for civil buildings and other public purposes, with the view alone to *annihilate* it, and therefore relieve His Majesty's Government and the late and present Colonial Government, from all assumed, or real responsibility, on this point.

My single opinion therefore is, that whenever any payment is made into the Lombard Bank, of either Interest or Principal, arising from the reimbursement upon the monies advanced, that such sums in the Paper Currency should be immediately destroyed and carried to the account of annihilation of the issue in question.

Another opinion I offer, but upon this I should be very reluctant to rest upon my own judgment alone.

It seems to me to be quite nugatory to expect from the several Drostdies regular repayment of interest and portions of the capital advanced for the public service within the Districts.

Every one of them is at this moment deeply indebted to the Lombard Bank, upon former scores, not connected even with late advances, and they all, in letters now before Government, profess the Inability to discharge the Interest. Therefore some other view of the case is demanded, and measures of repayment must be arranged that will not too severely press upon the Districts, but which, at the same time, will not for a moment lose sight of the indispensable liquidation of their debts, though at more protracted

periods. Under this view of the subject, I would not pursue the present ineffectual system of unfounded hope of receiving interest and a share of the capital, but I would rather fix the advance as a simple debt alone, not bearing interest, and whenever practicable, and to the full and just amount of the means of the respective Drostdies, call annually for repayment.

The subject is very extensive, and in many circumstances so complicated, that I am anxious to receive assistance from those persons best qualified to advise me, and who will give their full attention to financial arrangements, not of more importance to the present hour, than the more remote interest of this Colony.

I shall therefore beg to name the Gentlemen stated in the margin, as a Committee to take into consideration the whole subject,

and report to me their opinion "how the Instructions of His Majesty's Government may be best accomplished."

The Lieutenant Governor
Chief Secretary
Chief Justice

His Majesty's Fiscal
President Lombard Bank
Auditor General
Mr. Stoll to act as Secretary

I also have to request that the judgment of the Committee may further be directed to the repayment of the money advanced by the Dutch Government to the

Drostdy of Stellenbosch, on account of the fire, the sums of which have always been carried to the proceeds of the Revenue, but which I conceive to be thoroughly misplaced, and if the proper direction be not given at once to monies of this description, the worst consequences, in all future adjustments of finances, may ensue, and the most dangerous precedent be established.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Account of the Fund of 500,000 Rixdollars allotted by the British Government for the erection of Public Works. 28 January 1814.

			Rds.
23 January 1812	Stamped and Deposited in the Bank	.	100,000
27 October 1812	Do.	Do.	100,000
21 January 1813	Do.	Do.	100,000
16 August 1813	Do.	Do.	100,000
	Still to be issued		100,000
			<hr/>
Total			Rds. 500,000

10 January 1814.	To Balance at the disposal of					
	Government	.	.	.	.	146,280 6 3
	Short	.	.	.	.	86,908 6 5
						<hr/>
Total						Rds. 233,189 5 2

Payments made from the Bank into the Colonial Treasury on the following accounts:—

				Rds.	Sch.	Sta.
Civil Offices	.	.	.	73,033	1	1
George's Drostdy	.	.	.	50,000	0	0
Prison at Swellendam	.	.	.	9,000	0	0
Do. at Uitenhage	.	.	.	7,500	0	0
Drostdy of Caledon	.	.	.	31,747	7	0
Waterworks	.	.	.	96,104	6	4
Custom House	.	.	.	65,000	0	0
Church at Simons Town	.	.	.	10,500	0	0
Prison at Graaff Reinet	.	.	.	10,000	0	0
Additional Buildings at Caledon	.	.	.	833	2	4
					<hr/>	
					Rds. 353,719	1 3
Balance	.	.	.	146,280	6	3
					<hr/>	
Total					Rds. 500,000	0 0

Works ordered and now going on.

	Rds.	Sch.	Sts.
Civil Offices	18,000	0	0
Church at Simons Town	7,800	0	0
Waterpipes, the amount advanced by the Treasury of England £9,358 at 50 per cent.	70,185	0	0
A House to transact Public Business at Uiten- hage	8,000	0	0
A House for the Secretary at Uitenhage	6,000	0	0
A House for the Messenger at Uitenhage	5,000	0	0
Additional Buildings at Caledon	1,666	5	2
Church and Parsonage at George	23,000	0	0
The Place bought of Van Heerden called Buffels Kloof	3,500	0	0
Additional Expences of the Custom House (say)	5,000	0	0
The Walls round the House of the Secretary, Messenger, &c. at Uitenhage	3,000	0	0
	<hr/>		
	Rds. 151,151	5	2

Works ordered but not actually contracted for.

Parsonage at Simons Town	12,038	0	0
Public Buildings at Grahams Town	12,000	0	0
New Road in George's Drostdy	14,000	0	0
Civil Buildings at Cradock	12,000	0	0
Church at Uitenhage	30,000	0	0
A Pontoon at the Gamtoos River Mouth (say)	2,000	0	0
	<hr/>		
Total	Rds. 233,189	5	2

[Copy.]

Extracts from the Journal of the REVEREND JOHN CAMPBELL.

CAPE TOWN, *January 28th* 1814.

Number of Griquas who reside at Griqua Town (or Klaar Water) and the outposts connected with it:—

Men	.	.	.	.	.	.	.	.	291
Women	.	.	.	.	.	.	.	.	399
Boys	.	.	.	.	.	.	.	.	310
Girls	.	.	.	.	.	.	.	.	266
									<hr/> 1266

Number of Koranas who consider themselves connected with the Griquas for the sake of protection, many of whom attend occasionally for instruction, and some statedly, are, as nearly as can be ascertained 1341

Total 2607

The Church (or Christian Society) consists of 26 men and 16 women, of these were added during the last 12 months 2 men and 2 women.

On the other side Your Excellency has a literal extract from my journal of the number of inhabitants in Griqualand, which is an extent of country about 5 days journey every way. Though there be 2600 persons in it, Your Excellency, if travelling there, would think it a picture of desolation from the thinness of its population.

Of the 291 men who are descended from Dutchmen and Hottentots, Koranas and Bushy women, tho' I did not enquire where they were born, yet from the impression on my mind from things which accidentally occurred, I should hardly think 30 or 40 were born in the Colony under 30 years of age, perhaps not near so many. A considerable portion of the others are aged people. That vagabonds from the Colony will run there or to some other parts of the interior I have no doubt. In reference to such an occurrence the following law was made, while I was there, by a general meeting of the inhabitants, which I shall give

Your Excellency verbatim as it is in my journal. 13th Law: "That all persons flying from justice in the Colony, in consequence of some crime they have committed, and coming among them, shall be delivered up to such persons as may be sent in pursuit of them."

I firmly believe that very few indeed take refuge among the Griquas from the Colony, the journey from the limits thither, across the Bushyman's Country, being so very hazardous.

I can assure Your Excellency that I know not of one circumstance connected with any mission in South Africa that I wish to conceal from you. I say this that Your Excellency may freely require of me any information you may wish to obtain, connected with my department, and I pledge my word a literal extract from my journal respecting it.

Revd. Mr. Kicherer, minister of Graaff Reinet, called while I was writing the above. He was the first missionary that went to the Griquas. He says that the people did not come to the missionaries; but the missionaries went to the people, and that there cannot be many who were born in the Colony under 30 years of age.

With respect to the murderer mentioned by Your Excellency, as having fled to Klaar Water, Mr. Kicherer says that Mr. Anderson so soon as he knew of it wrote a letter to Mr. Fisher, landdrost of Graaff Reinet, informing him of the circumstance.

That station is of importance to the Colony, as they send every year, upon an average, about 300 oxen and take back merchandize from Cape Town. I am etc.

(Signed) J. CAMPBELL.

[Original.]

Letter from MR. DE LETTRE to LORD BATHURST.

SIR,—The undersigned, a Burgher of the Cape of Good Hope, and father of a large family, without any fortune, has the honour most humbly to state that he is become the victim of a considerable loss through the confiscation of five negroes, who rae declared to be free people, and who were brought into his house as a part payment, and pledge for the discharge of debts occurred in con-

sequence of provisions, lodgings, and other expences while on shore. The undersigned having had no connexion with the vessel that imported them, nor was he in any way interested with the transgression of the law, bringing those blacks on shore.

It pleased His Excellency Sir John Francis Cradock, the Governor of this Colony, to issue an advertisement in the *Cape Town Gazette*, dated 27th May 1813, that all Negroes imported into this Colony since the year 1807 were to be reported to His Majesty's fiscal, that they might be at the disposal of Government.

The undersigned thinking himself noways guilty, but perfectly satisfied in his own mind that he had not acted fraudulent, as those blacks were brought into his house in the daytime, and in an unhealthy state, the owners having declared to him that they had received permission to land them, and that never any commerce with slaves, when on shore, had been prohibited by Government : (and which trade with slaves still continues daily) and on those principles, the undersigned, as owner of said Negroes, thought himself free of any apprehension on the part of the Court of Justice or any other Court whatsoever. That in consequence thereof, the undersigned went to His Majesty's Fiscal, on the very day the advertisement was made public by the *Cape Town Gazette*, and there gave a voluntary and most sincere and satisfactory declaration, without deviating anyways from the real fact, or without endeavouring to withhold any part thereof ; but notwithstanding his frank and sincere declaration, the undersigned has been deprived of his Negroes, who were declared free, and condemned above this severe loss into a considerable penalty. That the undersigned being still involved in considerable debts, Sir, besides a large family to support, it is impossible for him to undergo such an extravagant loss.

The undersigned addressed himself to His Excellency the Governor Cradock to take part in his unfortunate circumstances, with humble request that it might be his Excellency's pleasure to annul this enormous penalty, without which the undersigned would see himself, his wife, and five children reduced to the last of all miserys !

His Excellency the Governor having received particular orders from Europe respecting this case, he could allow no prived (*sic*) alteration (notwithstanding his heart is full of goodness for the welfare of the whole Colony) and could only indulge the under-

signed to write you Sir! and to acquaint you of this finistrous catastrophe, which has brought on despair in his unfortunate family, as it must unavoidably lead them to a positive state of bankruptcy, by which many of his creditors will also be naturally great sufferers, if you Sir, do not fix an eye of compassion on this innocent family, and annul this penalty, which is beyond all expressions! The acts of justice and humanity which have characterized you for so many years, does not leave the least doubt, but what your goodness will fix an eye of compassion and benevolence, on him and family, who are brought to the last extremity, but who have got no reproach nor remorse to vindicate, they being in noways guilty, and who without flattering themselves are esteemed by the highest class of the inhabitants of this Colony, as also by all the public officers in His Majesty's service.

The undersigned has the honour to remain etc.

(Signed) F. DE LETTRE.

CAPE TOWN, CAPE OF GOOD HOPE, 30th January 1814.

[Original.]

Letter from F. FREELING, ESQRE., to H. GOULBURN, ESQRE.

GENERAL POST OFFICE, *February 1st 1814.*

SIR,—I am commanded by My Lords the Post Master General to acknowledge the receipt of your letter of the 22nd December, submitting, by direction of Lord Bathurst, to the consideration of their Lordships, how far it might be practicable to dispatch a Packet every second or third month to the Cape of Good Hope, and requesting My Lords to favor you, for Lord Bathurst's information, with their opinion whether in such an event she could without inconvenience touch at Sierra Leone on her outward bound voyage.

My Lords have given their best consideration accordingly to this subject, and they direct me to inform you that unless it be an object with His Majesty's Government to establish Packets to the Cape of Good Hope their Lordships can see no grounds to justify the same as a measure of Post Office expediency.

I have &c.

(Signed) F. FREELING, Secretary.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.GOVERNMENT HOUSE, CAPE TOWN, *February* 1814.

MY LORD,—In pursuance of your Lordship's dispatch No. 5 of the 30th January 1813, which conveyed a permission from His Majesty's Treasury to obtain money in England for the use of the Colonial Government upon this Government paying over to the Commissary General on this station the value of such advances at the current exchange of the day, and upon my receiving at the same time a statement of the sums heretofore advanced to the successive Colonial Governments from the year 1806, the period of the late capture of the Cape, to the present day, I beg to submit to your Lordship some representations which I hope will explain the unfavourable situation in which this Government stands at the present moment, and which, in a great degree, prevents immediate acquiescence and obedience to so fair and desirable an arrangement.

The sum in total advanced is £33,378-8-8 and in consequent debt to be discharged as soon as practicable has been issued, as before stated, to the successive Colonial Governments at periods when the exchange against the Colony was very low, in some instances not above par, and much oftener under 20 per Cent than above it. It is to be lamented therefore that the monies then advanced were not liquidated according to the present proposed arrangement, but under the limited finances of this Colony it now seems impracticable to discharge those demands at a rate of exchange unprecedented in any country, and which has risen actually to 80½ at the last bidding; and if an inference is to be drawn from the price at which the bills have since been bought from the individual who got the whole money, and who entirely engrosses the market, to the entire destruction of all fair competition, the exchange will still augment to above 100, or even higher.

I lay before your Lordship a view of the excess of Exchange upon the monies paid by this Government since my arrival, above 25 per Cent, a rate rather above the usual average during the administration of my predecessors, and much beyond the amount upon the two first years after the capture; which will shew to

your Lordship that the finances of this Colony bear at this moment the extraordinary pressure of 173,543 Rix dols. to the great inconvenience of all the public measures. Upon a reference also to the detailed statement of the debt to His Majesty's Treasury, it will be found that the only sum directly attributable to my administration is the one of £5000 in 1813, for the preceding money in 1812, viz. £11,362-10-8, though advanced in 1812 is strictly chargeable to the administration of the Earl of Caledon, on account of the water works of this town, as directed by his Lordship.

As however it will be the duty of the Colonial Government, and I trust their inclination, to discharge the whole debt as soon as possible, and by every fair exertion, may I be permitted on my part and that of my successor's to propose that the Commissary General be directed to receive the repayments from time to time at the former rate of exchange during those periods in which the money was originally issued, or, if it will be more acceptable, to give the general direction to the Commissary General, that he receive all repayments made bona fide on the part of the Colonial Government, at 25 per Cent.

The excessive high rate of Exchange now existing, and which inevitably will become higher from the threefold encrease of the Consumption of British manufactures throughout this extensive Colony (to meet which there is no export but that of the Wine) must throw all the Finances of this Government into the severest depression; for exclusive of the weight of the Expence to defray the Salaries of the Civil Establishment and the Pay of the Cape Regiment in Sterling Money, it has all the additional unfortunate Effect of raising the price of every Article at the Charges of Government. I have &c.

(Signed) J. F. CRADOCK.

The enclosures in this dispatch show that since the conquest in 1806, £33,378-8-8 was advanced from imperial funds for the service of the colony. They also give long lists of rates of exchange of the paper money, which it is unnecessary to insert here.—G. M. T.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *February 5th* 1814.

MY LORD,—I think it to be my duty to represent to your Lordship the necessity which I conceive, under present circumstances, exists for augmenting the Cape Colonial Corps of Hottentots from 500 Privates, as it now stands, to the former and original Establishment of 800.

The reduction took place from the strong representation of my predecessor, the Earl of Caledon, of the heavy expence, and the opinion his Lordship entertained, at the period in view, that the withdrawing so many persons of the labouring class of the Community, in so scanty a population, from the service of the farmers, would materially affect agriculture and general cultivation.

As to the expence, the reluctance to maintain the full numbers of the Corps remains in equal force, but this consideration is now outweighed by the entire alteration in all the other circumstances of the case.

At that period it so happened through a political system, that no measures were adopted to repel the destructive excursions of the Kaffer Tribes, and therefore the same necessity did not arise for employing the peculiarly appropriate services of a Corps of this description ; but the opinions were much changed upon the eve of Lord Caledon and General Grey's departure, and measures were in full contemplation, though not actually put into execution, to stop the encreasing aggressions of these Barbarians, which, if not powerfully resisted, some time or another threatened universal devastation, and a loss of Territory, not to be calculated upon, even to the confines of Swellendam and the Districts immediate to Cape Town. The beautiful and luxuriant Province of the Zuurveld had been completely abandoned, and the devastations of these Savages were everywhere visible for an extent of above 200 miles, and 497 habitations, to be reckoned, had been burned and laid waste.

Your Lordship has been duly informed of the progress and termination of all the vigorous measures adopted since that time, and also of the necessity that would still remain, for a considerable period, to keep in activity a certain proportion of the Force, not

only of the Military, but also of the Commando (or Civil Power) of the Districts upon the Frontiers.

Every arrangement that was practicable was made at the time to prevent any recurrence of Hostility; and the orders have invariably been to all Magistrates and Officers, as the most likely means to effect it, to avoid communication in any shape.

More or less depredations have been constantly carrying on by the Kaffers, and I can with confidence assure your Lordship that every aggression has been on the part of those People, and that the Colonists on the Frontiers had but the single wish of living peaceably and undisturbed by them.

It would be difficult to describe the acts and audacity of these Savages in pursuit of plunder; and they disregard time, distance, or any hardship to put in execution their intentions. I had heard many stories of their craft and boldness, but did not give credit to them until my late tour, and actual view of all the circumstances around me, when I had the most convincing proofs, that no guard or vigilance, or even the present unexampled chain of posts, could effectually withstand their persevering attempts.

The repeated and strictly obeyed orders by the Military and the Colonists, "not to pass the Boundaries on any account," has proved unfortunate, and inspired them with this security, that if they got back to their own Country all was safe and at an end, and they might even display the fruit of their rapine on the other side of the Fish river, and the plundered Cattle of the Farmers were daily seen grazing on the opposite Bank.

Their excesses became more daring and to a greater extent, at the very period when I was passing along the Frontier; and all doubt was dispelled in my mind upon the necessity of adopting stronger measures, which would punish and deter these marauders, and afford some chance of future security to the Colonists, without which all that part of the Settlement must remain in perpetual danger and dismay, and consequent abandonment.

As the fullest explanation, I have the honor to annex the correspondence, and orders I gave upon the spot, to the Civil Commissioner, Col. Vicars, and I am happy to say that, notwithstanding the marked and unexampled moderation and backwardness in retaliation that distinguished the whole proceedings, the simple step of passing over into their Territory, though only momentary, has had the best effect; and I do not believe that a

single trespass has since taken place. Should however their aggression be renewed, still I am persuaded, that two or three more instances of firmness and activity, though carried on with a temper and moderation the Kaffers so ill deserve, will at length accomplish the ultimate object, and they will desist from enterprizes in the long run made more injurious to themselves than even to us.

As it seems therefore totally impracticable, without a passive surrender of all that part of the Colony, to relax, for a certain time, the active and prepared state in which the Frontiers are at present placed, I most anxiously press your Lordship to gain the permission of His Majesty's Government to make the augmentation to the Cape Regiment I propose, which will enable me to relieve that part of the original Commando, which, under the necessary reliefs, has ever since remained on duty, and allow them to return home and pursue their civil occupations. It pains me to relate, that one third of the Male Population fit to carry arms in the Uitenhage District, and a considerable proportion in the Graaff Reinet, has been constantly on Military Service, and it therefore cannot now remain a question, whether the farmers, from interest or convenience, will choose to continue to serve themselves, or most willingly see the Hottentots enlisted to act in their place.

The expence also, though considerable at this moment of excessive and unprecedented height of exchange against the Colony, will not be so great as would appear at first view, for the charge of daily pay to the Individuals of the Commando, which was unavoidable, will be saved and make a large reduction.

It may also be powerfully added in support of the measure, that it seems judicious to employ on military purposes, persons under a regular and permanent discipline, whose habits of life are confined thereto, and not too much excite among farmers and the lower classes of the community, that spirit of warfare and enterprize, which cannot but keep alive an uncivilized and ferocious character, which it must be the peculiar wish of the Government in this part of the world to moderate and suppress.

Should it be the pleasure of His Majesty's Government to authorize this augmentation, I have taken the liberty to transmit to His Royal Highness the Commander in Chief copies of the Estimates &c., which I now submit to your Lordship; and I embrace this opportunity of assuring your Lordship that the Cape

Colonial Corps, in the discharge of their present duty, in very singular and trying situations, are every way worthy of the highest consideration, and would also be found eminently useful, upon the scale of their present numbers, in the general defence of this Colony, in the event of being opposed to a regular Enemy, in many local points of view. I have &c.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 7th February 1814.

MY LORD,—Great inconvenience having been found to result from the mode in which Governors of Colonies have exercised the discretionary power of granting leave of Absence, I am commanded by His Royal Highness The Prince Regent to communicate to you the following Rules, to which it is His Royal Highness's pleasure that you should adhere for the future in granting leave of Absence to the Civil Servants of the Colony under your government.

You will not consider yourself authorized under any Circumstances to grant leave of absence for any period exceeding three months without the previous Sanction of His Majesty's Government.

During such period of three Months, or such other period as His Majesty's Government may have sanctioned, the Salary of the Officer applying for Leave will be distributed as heretofore, viz. one half to the absent Principal and the other half to the Acting Deputy. But if the absence shall be extended beyond either of these Periods, and no intimation shall have been received in the Colony of its having been so extended by authority of the Secretary of State at home, that half of the Salary which was paid to the absent principal in the Office will at the expiration of the original leave of absence be paid into the Colonial Treasury, and will only be repaid to the Principal in the event of his making it appear that the prolongation of his leave was formally sanctioned by the Secretary of State at Home.

You will not fail to explain to every Civil Officer applying for

leave of absence the Rules which are laid down, and acquaint them that the prolongation in this country of the leave of Absence granted by the Governor will depend entirely upon the Circumstances which may be adduced to justify its necessity.

I have etc.

(Signed) BATHURST.

[Copy.]

*Report of MR. G. BEELAERTS VAN BLOKLAND to
HENRY ALEXANDER, ESQRE.*

CAPE OF GOOD HOPE, 10th February 1814.

SIR,—His Excellency the Governor and Commander in Chief was pleased by letter from your office, dated 31st July 1812, to appoint me to accompany the Commission for administering Justice in the far distant Districts that year, in order to act as Public Prosecutor at the Drostdy of Uitenhage, and to assist with legal advice the respective Landdrosts of Graaff Reinet and George in the prosecution of certain cases of cruelty, oppression, or ill treatment committed on Hottentots, and contained in the statement of the Missionaries of the institution of Bethelsdorp, Van der Kemp and Read, given by them in the year 1811 before Commissioners of the Worshipful the Court of Justice, namely for so far as those cases have happened since the last surrender of this Colony to His Britannic Majesty; while all those which took place previous were committed to the respective Landdrosts, with orders strictly and fully to examine into the same and forward their information to His Majesty's Fiscal, who was thereupon to make a conclusive report to Government; and finally with respect to such cases as were not of so heinous a nature as to require a criminal prosecution, but which might yield to the injured party grounds of action for indemnification, it was determined that the parties concerned in such should, without any regard to when they happened, be at liberty to institute their action according to the usual course of law; of all which cases three different lists were formed, and those relative to my above mentioned appointment classed in the list No. 1, containing the cases quoted in the

statement of the said Missionaries under the letters A, M, N, O, X, G G, K K, S S, L L L, and U U U U, on which I beg leave to refer to the detailed statement itself deposited with others in the Colonial Secretary's office.

Agreeably to this order of His Excellency I took upon myself the above-mentioned task, and on the 23rd September 1812 commenced my journey with the Commission of the distant Circuit, to which I was also to act as Secretary, and having successively repaired to the Drostries of Graaff Reinet, Uitenhage, and George for the several purposes of my appointment, more amply described above, I have now the honor to make a compendious report of the result of my proceedings, for the information of His Excellency the Governor and Commander in Chief.

The list No. 1, to which I beg leave to refer, I have divided under three separate heads, the *first* containing the cases which were brought before the Commission at Graaff Reinet, the *second* those brought forward at Uitenhage, and the *third* those cases which formed subjects for the cognizance of the Commission at George.

The first (Graaff Reinet) contains only one case, that of Ruiter Jonker, quoted L L L.

This case, according to the statement of the Missionaries, was said to have consisted in most inhumanly beating the Hottentot Ruiter Jonker by his master Gerrit Lindeque, for no other reason than that said Lindeque having neglected to inform his people to go to the Field Cornet and hear the proclamation of the 1st November 1809 read respecting the Hottentots in the service of the farmers, and the field cornet having asked the reason of Lindeque's people not coming, he Ruiter had informed the Field Cornet of the reason, namely that Lindeque had not told them of it.

The case was found to have happened differently, that the accused Gerrit Lindeque on the occasion of a fight between the people at his place on a new year's day with the assistance of the Field Cornet M. van Staden reprimanded them, on which occasion the Hottentot Ruiter Jonker being impudent and having given his master the lie, he in passion gave him some strokes. It further appeared that Gerrit Lindeque had taken a Bastard Hottentot named Piet in the service of his brother Pieter Lindeque, who lived at the same place, to the Field Cornet with him to hear

the Proclamation of the 1st November read, and therefore that his having beaten the Hottentot Ruiter Jonker had no kind of connection with the hearing of the said Proclamation, while further Ruiter Jonker declared that he at first had intended to complain of the beating, but that he then had not any further complaint against his master, and that he had even, on the expiration of his contract, entered into a new engagement with him, of which he produced a regular contract in Court.

The Landdrost assisted by me, having therefore found that the complaint as stated by the Missionaries was not only unproved but contrary to the proofs at hand, that for the rest there was not any appearance of ill treatment, and that even the Hottentot Ruiter Jonker himself did not wish to be considered any longer as complainant, he therefore, after examination was closed, did not hesitate to declare that he had not any grounds of action against the accused Gerrit Lindeque, and that he had not any objection to his being discharged, agreeably to which declaration the Commission released the accused from all further prosecution.

The *second part*, being that of Uitenhage, contained the cases quoted with the letters M, O, X, G G, K K, S S, and U U U U.

The first of those cases, that of Rosina's mother (M) consists according to the statement of the Missionaries in the wife of Marthinus Oosthuizen having ill treated her slave Rosina, and especially the mother of Rosina, to such a degree that she died the following day.

This case being investigated, it appeared that the accused had had a slave called Spasie, who had an old mark on her shoulder, probably occasioned by correction, without however it being proved when or in what manner that correction was inflicted; that said Spasie had always been well treated in the service of Marthinus Oosthuizen and his wife, that she was sickly and therefore was specially assisted in her work, and had medicines given to her, and finally that she died in the straw hut of the consequences of her illness, to the great sorrow of her mistress, who was very well satisfied with her. That Spasie had a daughter named Rosina, who, instead of following the good example of her mother, had been frequently guilty of running away and of dissolute conduct, for which she had once been confined in the prison of Uitenhage, but released without punishment, that finally

Rosina from her loose behaviour having got the venereal disease, she was taken into the Military Hospital with the approbation of the Commanding Officer and attended by Surgeon Milton, but notwithstanding which assistance she died.

The charge being therefore not proved, and the death both of Spasie and Rosina being duly accounted for, I found no grounds for any other conclusion than a full acquittal of Barbara Janssen van Rensburg, wife of Marthinus Oosthuizen, who was acquitted accordingly from all further prosecution in said case by decree of the Commission.

But as it appeared in the investigation of this business that the body of Spasie was buried without her master having observed the orders prescribed in the 236th Article of the Instructions for the Country Districts, to report the death of all slaves and Hottentots to the Landdrost or Field Cornet, and as the strict compliance with this order appeared to me to be of the greatest importance, I therefore considered it my duty to prosecute Marthinus Oosthuizen for the penalty of 25 Rds. prescribed for the neglect of that order, to which he was condemned accordingly by sentence of the Commission, with the costs.

The second case, being that of Dina, and quoted sub Letter O, contained a charge of gross ill usage committed on the slave Dina of Theunis Botha, and also of Dina's daughter, the latter of whom was said to have died in consequence.

From the investigation of this complaint it appeared that the slave Dina in the service of Theunis Botha had two daughters named Debora and Rachel, who both died, Debora in consequence of having fallen into the fire, occasioned by an epileptic fit, to which she was subject, and Rachel of a short illness, the latter of whom in particular, being examined before burial, not the smallest mark of ill treatment was found on the body.

As nothing therefore could be proved either against the master of those two slave children, or against his wife, in support of the complaint, I made conclusion with respect to the death of the slave child Debora, that the wife of Theunis Botha (on whom this part of the complaint principally fell) should be fully acquitted, and that Theunis Botha himself should be released from all further prosecution on this charge; but as it appeared in the course of the investigation that the said Theunis Botha was accustomed to treat the people in his service with more than ordinary severity,

whereby they, becoming dispirited, gave themselves up to continual irregularities, I deemed it expedient to propose that Theunis Botha, as well with respect to his treatment of the slave Dina as of the other people in his service, should be recommended to the special vigilance of the Landdrost of his District. And as it further appeared that the deceased child Rachel had been buried without any report of her death being made to the Landdrost or Field Cornet, agreeably to the 236th Article of the Instructions for the Government of the Country Districts, I therefore conceived it my duty to prosecute him for the penalty prescribed for such transgression of the Law, all of which different conclusions in this case were adjudicated by sentence of the Commission.

The third case, of the Gona Hottentot sub Letter K, is a charge of a traitorous murder committed by one Nel on a Hottentot of the Gonaqua tribe, who had lived at his place, but who after his countrymen were driven out of the Colony came back secretly now and then to see his wife at the place of said Nel, who was said to have shot the Hottentot out of jealousy, because he cohabited with said Hottentot's wife.

It was not possible for me during my stay at the Drostdy of Uitenhage to effect a full investigation of this business, because there were several of the inhabitants named Nel; and I was not enabled either by Christian name, the name of his place, or by any other probable circumstances to ascertain what Nel the accusation should be brought home to, and also because that a certain Hottentot named Jan, who was the only clue which could lead to the investigation, did not appear before the Commission, but absented himself while the Commission was employed in the trial of other cases, without our having been again able to find him.

I was therefore obliged to state these circumstances to the Commission, who at my instance directed the Landdrost to proceed in the investigation with all possible scrutiny, and to transmit the result in order to enable me then to make such proposition to the Worshipful the Court of Justice as the nature of the case may seem to require.

The Landdrost, in compliance with this order, having found out the person alluded to in the accusation to be Pieter Willemse Nel, Senior, forwarded to me the result of his preparatory informations, from which I perceived that the case had happened as was stated

by the Missionaries, but that however a Caffer named Zwartbooy had been apprehended by said P. W. Nel at his place and shot under circumstances which required a further investigation into the act, and therefore rendered a regular proceeding necessary. I, in consequence, addressed myself to the Worshipful the Court of Justice requesting that the Landdrost of Uitenhage might be charged with the further prosecution of this case, and that the necessary authority might be granted him to summon said P. W. Nel, Senior, on the above mentioned charge to appear in person before the next ensuing Commission of Circuit (1813), which proposal being acceded to by the Court, the said case was accordingly brought before the Commission, who found the same of such nature that they deemed it necessary to have both Nel and the Hottentot Jan Speelman, who was said to have shot Zwartbooy by order of the accused, taken into custody, and further to refer the trial of the case to the full Court, as falling under the tenor of the 2nd Art. Letter D of the Proclamation of the 16th May 1811, before which Court the business will be now prosecuted, and brought to a conclusion by the official Agent of the Landdrost according to law.

The 4th case of Marcus Tidor and Cobus Vrolyk, which appears on the List No. 1, under the letters G G, contains a charge against Frederik Rensburg, Isaac Niekerk, and Hendrik Rensburg, who belonged to a commando sent out against the Caffers under the Field Cornets C. Rademeyer and P. van Rooyen, of having murdered the two above mentioned Hottentots, the latter of whom was even said to have been killed while he lay sick in bed.

With regard to this case I directly suspected that it must have taken place long before the present English Government, because that I did not know of any commando under Rademeyer and Van Rooyen having been sent against the Caffers during the present Government; and my suspicion was immediately confirmed by the preparatory information I obtained, being a voluntary affidavit given by Isaac van Niekerk himself, one of the accused, before commissioned Heemraden of Uitenhage, who, relating this affair, but in an entirely different manner from the statement of the Missionaries of Bethelsdorp, said that the business happened at the time of the Caffre war under the former English Government and consequently previous to the year 1803, and which circumstance of the time was confirmed by the Missionary Read.

In consequence hereof, it appears to me, that altho' this case was placed on the List No. 1, it was still however not included in my qualification, as the Governor both by the letter of the 31st July 1812, as well as in the Head of each of the several Lists plainly expressed His Excellency's intention that I should investigate into, and prosecute such cases as had happened under the present English Government, while with respect to those of an earlier period, that they should only be provisionally examined into by the respective Landdrosts, who were thereupon to forward their informations to His Majesty's Fiscal, so as to enable him then to make a final report to His Excellency the Governor, whereby all those complaints being investigated, the suspicions and charges which the general character of the Inhabitants of this Colony have so long laboured under, would at last be brought to a final decision.

These considerations obliged me to desist from all further prosecution in this case, and to propose to the Commission that the same should be transferred over to the List No. 2, as containing those cases which had happened at an earlier period, and that the respective Landdrosts whom it might concern should be directed to take such measures in this respect as were contained in the order of Government given to them with regard to the said List No. 2, to which proposition the Commission having acceded, the Landdrosts of Uitenhage and George received such directions accordingly.

The fifth case on the list No. 1, marked K K, being that of Klaas and another Hottentot, consists agreeably to the statement of the Missionaries of Bethelsdorp in a charge against some farmers who belonged to a patrol under Gabriel Stoltz, that they had shot two Hottentots in the year 1806, the one named Klaas and the other unknown, who belonged to a hunting party, but who had separated from their comrades, and that they took the guns of the murdered Hottentots with them.

With respect to this case, which was only stated in general terms, without making mention of any particulars, a very ample and circumstantial investigation was made, but however without my being able to bring it to such a degree of clearness as to form a decided idea of it, much less to fix the accusation or suspicion on any particular person or persons, in which I was principally prevented by the contradictory evidence of the witnesses. But so

much appeared to me in the course of the investigation, that the two Hottentots in question (Klaas and the unknown one) must have been missed at an earlier period than the present English Government, wherefore I, for the same reason as in the case G G, requested authority to transmit a copy of the whole investigation (which in the meantime I had forwarded as far as possible) to His Majesty's Fiscal, with orders to the Landdrost to use his best endeavours to bring this business if possible to a further degree of elucidation, and to transmit the result to His Majesty's Fiscal for the purpose with which he is charged, and which request was resolved on by the Commission accordingly.

The sixth case under the head of Uitenhage, being that of Jan Blauw and marked S S, consists in a charge against Jacobus Scheepers, that he would not give the said Jan Blauw, who had served out his time, his discharge, and that the Hottentot having complained thereof to the Field Cornet, the latter gave a letter to Scheepers warning him so to do, on which Scheepers sharply threatened said Hottentot, who having run away in consequence, Scheepers pursued him, and that shortly afterwards the body of the Hottentot was found with a wound in the head.

Having proceeded to the investigation of this case, it appeared in the course of the same that this circumstance having been duly reported in the year 1810 by the Field Cornet J. Strydom to the Landdrost of Uitenhage, the latter transmitted his preparatory informations to His Majesty's Fiscal (at that time Mr. Truter), together with the witnesses and the accused himself, and that this case had been made a subject of enquiry before the Worshipful the Court of Justice without however the result being known.

In order therefore not to run the risk, by taking further steps, of turning a business out of its regular course, which was possibly pending before the Court in town, I, after having examined and sworn the witnesses, conceived it my duty to request of the Commission that the case should be postponed till that I should have an opportunity of examining the retroacts of the Court here, in order thereupon to make some proposition to the Worshipful the Court of Justice, which request being acceded to by the Commission, I on my return from the country districts examined the retroacts and found that His Majesty's Fiscal actually had taken the necessary preparatory informations before Commissioners of the Court in the beginning of the year 1811, and that the then Deputy

Fiscal had signified that the office had not found any grounds for a criminal action in this case against Jacobus Scheepers, but without however any judicial declaration having followed.

As therefore not any legal proceedings were pending, nor the case terminated by any judicial decision, I found myself obliged to fix my thoughts on the subject and to bring it before the Court for a final determination. And as it appeared to me that the dead body of the Hottentot Jan Blauw was found without any wound or mark of violence thereon, and it having further appeared from the circumstances that it was not well possible that Jacobus Scheepers could have been the same afternoon that Jan Blauw absented himself from him, at the place where the body of the Hottentot was found, I was therefore of opinion that neither the *corpus delicti* was proved, nor the accusation against the accused supported; in consequence of which I concluded for the acquittal of Jacobus Scheepers in said case, accompanied with a proposition that the Landdrost of Uitenhage should be declared of having diligently acquitted himself of his duty, who, it appeared had, on receiving the information, immediately investigated into the case and made a report thereof to His Majesty's Fiscal long before the statement given of the business by the Missionaries Van der Kemp and Read; agreeably to which conclusion the case was finally decided accordingly on the 6th May 1813 by the Worshipful the Court of Justice.

The seventh case is that of Zwartbooy, quoted U U U U, and contains a complaint of one Cina, the wife of a certain Hottentot, named Zwartbooy, that Pieter Rasmus, in whose service said Hottentot was, had sent him away without telling him where he was to go to, and that her husband having gone was followed by said Pieter Rasmus and was not heard of since that time.

Although this complaint did not contain any direct charge, still however it appeared to me that the very extraordinary manner in which the Hottentot in question was said to have left the accused and to have been since missing, required to be elucidated and accounted for, in order to be enabled to judge therefrom whether the prejudicial suspicions which had arisen from this complaint against P. Rasmus were founded, or whether he should be acquitted of the same. In consequence of which investigation it has appeared that Pieter Rasmus had a Hottentot in his service named Daniso or Zwartbooy, and that this Hottentot in the year 1810

was with his own consent and that of his mother sent out as a spy by Lieutenant Evatt, of the 21st Light Dragoons, at that time stationed at Bruintjes Hoogte, to endeavour to obtain some information respecting the movements and intentions of the Kaffers, and that in order to keep this plan secret, Pieter Rasmus would not communicate to the Hottentot's wife (the complainant in this case) the reason of her husband being sent away, while it also appeared that the said Hottentot did actually proceed to those parts which were infested by the Kaffers at that time, but that nothing further was seen or heard of him, so that it must be considered as entirely uncertain whether he be alive or not, or where he is, which time may possibly discover. But as the accused, for as far as he was concerned, had duly accounted for the departure of the Hottentot, it therefore appeared to me unnecessary and unreasonable that he should be left oppressed under the burthen of a postponed investigation, and I for that reason made no hesitation, as the suspicions against him had vanished, to conclude for his acquittal, agreeably to which he was discharged by decree of the Commission from all further prosecution accordingly.

The cases specified on the List No. 1 delivered to me, with the investigation and prosecution of which I was charged, were so far as regarded the District of Uitenhage confined to the above seven; and I should therefore have considered my function at that Drostdy as having ceased, were it not that Mr. James Read, having had the chief direction of the Missionary Institution at Bethelsdorp since the death of Mr. Van der Kemp, informed me that there were two cases on the list No. 2 which he certainly believed had occurred under the present English Government, and therefore that, agreeably to the spirit of the Government, they belonged to the class specified in the List No. 1.

It appeared to me that although this information should be considered as coming from a private individual, I however should not neglect it, as well because the whole of those public investigations had resulted from the private writings of the Missionaries, as because that in my opinion the honor of His Majesty's Government in this Colony did not allow that the truth or falsity of those injurious suspicions which had taken so deep a root without the Colony against the strict and impartial maintenance of the laws, should be longer enveloped in uncertainty. I therefore resolved,

should it be necessary, to augment my task with the cases of which Mr. Read gave me the above information, and I should have considered myself obliged to have been satisfied with further trouble, in case I had received others for the same reason ; and the more so, because it was plainly enough to be perceived from the classification made by His Excellency the Governor and from the head of the Lists 1 and 2 that the intention of Government was that I should examine into and prosecute all cases of cruelty, oppression, or ill treatment which happened, or were stated to have happened under the present English Government, so that on the same principle on which I, with the consent of the Commission, transferred the two above-mentioned cases G G and K K from the list No. 1 to No. 2, I was also authorized with respect to the cases alluded to by Mr. Read, which were brought to the knowledge of the Commission, who agreed with me to transfer the cases C C and K K K appearing on the list No. 2 over to No. 1 as belonging to that class, which cases were made the eighth and ninth of those under the head of Uitenhage. The *eighth* therefore brought by me before the Commission at that Drostdy is the case of an unknown Hottentot, quoted C C on the list No. 2, and contains, agreeably to the statement of the Missionaries, an accusation that Johannes Strydom had gone out with two Hottentots to search after one Hermanus, but instead of him, having found another Hottentot who had some honey with him, he asked after Hermanus, and without having received any other information than that Hermanus had sent him out to look for honey, he after having first sat down with him and told him he might go his way, unexpectedly shot him.

From the investigation of this business it appeared that a gang of roving Hottentots under the direction of one Hermanus had infested the district of Winterhoek and done a great deal of mischief, wherefore the Field Cornet Gabriel Stoltz directed the inhabitants of that district to form patrols, and should they find the gang, to shoot them without taking any trouble to apprehend them, or if they could find a single one to bring him *where he ought to be* ; that Johannes Strydom, who was one of those who received that order, being on a certain night informed that Hermanus and his people had been again seen in that neighbourhood, and had even enquired after him, he, accompanied with two Hottentots and armed, went out in pursuit of said Hermanus, but having sought

round the whole night in vain, he at last towards daybreak perceived a small fire, at which a Hottentot sat eating honey and having an assagay with him; that having asked said Hottentot where Hermanus was, he at first answered that he did not know, but afterwards that he had been sent out by Hermanus to look for honey, and that he expected to meet him the same day, further adding that Hermanus was a *Master Hottentot* (which means a conjuror); and that Johannes Strydom after having first bound this Hottentot with a thin handkerchief and consequently secured in his power, had unexpectedly shot him.

I therefore found myself obliged to institute a criminal action against Johannes Strydom on the charge of having shot the said Hottentot, and after that a decree of commitment was obtained against him from the Commission, being examined on interrogatories, he acknowledged the fact as above stated, with this difference however that he said the order given by G. Stoltz was not alternative, but positive, to shoot all those who belonged to the gang of Hermanus, and also that the handkerchief with which he had bound the Hottentot had got loose before he shot him; while for the rest he appealed to the local circumstances, which he said, prevented him keeping the Hottentot alive without exposing his own life, and also to the refusal of the Hottentot to acquaint him where Hermanus was, on which condition he had offered him to spare his life.

After this case was fully investigated by the examination and confrontation of the witnesses and of the accused, it appeared to me that although the deceased Hottentot was proved to have belonged to the gang of Hermanus, although it was proved that that gang had done a great deal of mischief, and were very dangerous to the peace and security of the Country, although the circumstances under which the accused stood were very critical, and the orders which he acted under very sharp, and although his name and character were generally good, he however was not to be excused for having shot a single Hottentot unarmed and in his power, without there existed that absolute necessity for so doing which the law requires to make use of the right of self defence in the most extensive sense, and I therefore did not feel myself at liberty to make any conclusion before the Commission for the acquittal of the accused or for a mitigation of his lot, but on the contrary being obliged to prosecute the same, I proposed to

the Commission, on the investigation being closed, to refer the case to the Jurisdiction of the full Court agreeably to the 2nd Art. Letter D of the Proclamation of the 16th May 1811, in consequence of which and of the 43rd Art. of the said Proclamation a decree to that effect was passed by the Commission accordingly.

The case being therefore brought before the Court here in Town, and the investigation held at the Drostdy of Uitenhage being examined, the accused was admitted to an ordinary process, on condition of making his defence *ex carcere*, whereupon the accused being defended by a legal practitioner in the ordinary mode, and the case being verbally pleaded before the Court, the prisoner Johannes Strydom was by sentence of the Worshipful the Court of Justice, dated the 10th July last, condemned to death; from which sentence the prisoner having appealed to the Right Honorable the Court of Appeals for Criminal Cases, the business is now pending before the Higher Court, whereby His Excellency will be enabled to be perfectly informed of all the circumstances of this important and delicate case.

Before I leave this subject, allow me, Sir, to remark that when His Excellency's function as Judge in appeal shall have ceased by pronouncing sentence, and should such sentence confirm that of the lower Court, it will be then worthy of His Excellency's attention as the representative of His Majesty in this Colony and as such vested with that noble prerogative by virtue of which the Sovereign is the fountain both of mercy and justice, to consider how far this prisoner, in consequence of his personal character and example of humanity, as well as in consideration of the circumstances under which he committed the act, may be an object of pardon. In stating this suggestion, I may possibly have gone farther than my duty as public prosecutor calls for, but as I have ceased in that function, I hope that the favorable character which I received of the prisoner from all quarters, added to his placid and decent conduct during his prosecution, and to the sincerity which he plainly evinced in his confession, while it would have been very easy for him to have involved the circumstances in such obscurity that the truth could not have been discovered without great difficulty, if at all, will be considered as a sufficient excuse for my having done so.

The *ninth* case investigated at Uitenhage is that of Gezwind, quoted K K K, and contained an accusation against Johannes

Calits and Willem Pretorius, that they having pursued and brought back a certain Hottentot named Gezwind who had run away from the service of the former, they had beaten him most dreadfully on the road, that they had afterwards put him on a wooden horse with stones made fast to his neck and legs, that they had the next day hung him on a tree till he was dead, and that finally they brought him up to a high precipice, from which they threw him over, and then had the body inspected as if he had fallen dead by accident.

From the investigation of this shocking case, it appeared that the first accused, Mattheus Calits, had a Bosjesman Hottentot in his service named Gezwind, with whom he was in general well satisfied; that Gezwind having absented himself, but being found at or near the farm of Jacobus Delpont, the second accused Willem Lodewyk Pretorius, who lived with the former, went for him; that being willing he was brought home in good condition and was made fast to a pole by Calits with intention to give him a flogging, but that having promised to behave better and to be obedient, added to the circumstance of it having been just on a Sunday, he was made loose and left without punishment. That the next day both the accused with their families accompanied with Gezwind and at his own particular request went to take a bees' nest which he had discovered on a precipice, but which was so situated that it could not be got at without tying a rope or thong round some person and letting him down by the same; that Gezwind being let down in this manner got to the bees' nest, but was so attacked and stung by the bees that he called out to be pulled up again, which the second accused having done with the assistance of a certain European who was present, he thereupon left Gezwind on the level ground and went below, when he was informed that Gezwind had fallen over the precipice, which at first appeared to him to be impossible, but which was pointed out to him by the first accused to be the case, when he saw that the said Hottentot actually lay dead at the foot of the precipice, with the rope round his body; whereupon the first accused immediately repaired to the Field Cornet, who duly inspected the corpse, and having informed himself of the circumstances reported the same to the Landdrost on the 21st February 1809; and finally that on the inspection of the body no other marks were found thereon than those which must have been occasioned by the fall, while

the bees being still on and flying round the body, there could not be any reason to doubt of what the Field Cornet had reported respecting the cause of the Hottentot's death, and therefore that the Landdrost had not any legal suspicions against the accused, much less any grounds for instituting a prosecution against them.

Herewith terminated the cases with the prosecution of which I was charged, for as far as regarded the district of Uitenhage, but as my orders also extended to such cases as might result from each of the others, and as in the case of the wife of Theunis Botha (the case O) the Hottentot Jan Tamager had given evidence that was not only found to be false, but in which he obstinately persisted with the pretty clear intention to aggravate the charge against the accused contrary to his own conscience, I therefore conceived such conduct should not be passed over with impunity, but that the honor and dignity of justice obliged me to proceed for an adequate punishment, which having done accordingly, the result was that said Jan Tamager was adjudged by sentence of the Commission to labour in irons on the public works of the Drostdy for the space of four months.

This latter action I did not institute immediately after the termination of the case which led to it, but postponed the same to one of the last days of the Session at Uitenhage, and for this reason, because that although the conduct of that Hottentot deserved an immediate prosecution and punishment, I however on the other hand was apprehensive that such might make an erroneous impression of fear or diffidence on the minds of the Hottentots or others who were to give evidence in the other cases, and therefore it appeared to me that not only the intention of each legal trial, but especially the importance of the cases with which I was charged, required that every thing should be avoided whereby the consciences of those who were to be called on as witnesses could be exposed to the smallest restraint.

The *third division* constitutes that of the Drostdy of George, and contains only two cases, namely those quoted A and N.

The first of those, A, is the case of the Hottentot Hendrik Uithaalter and his daughter Catryn Steven, and contains an accusation that the wife of Hendrik van Staden had caused the said Catryn Steven to be severely flogged on her bare body by her son in law Ignatius ter Blans; and that having thereupon had salt rubbed on her, she caused the same to draw into the wounds

by repeated beating, whereby the flesh became putrified; this being one of those cases mentioned by Mr. Read in his letter to the Missionary Society in London, which gave rise to the general investigation.

The case being brought before the Commission by the Landdrost of George with my assistance, agreeably to the abovementioned order of the 31st July 1812, it appeared on investigation that the Hottentot Catryn Steven had two marks of wounds on her posteriors, which had both festered but were then healed, that she being in the service of Anna Elizabeth Campher, wife of Hendrik van Staden, had now and then stolen one thing and the other, for which she was chastised with a childish correction, but that notwithstanding having stolen some meal which was entrusted to her charge, and given it to another, her mistress had punished her more severely; having had her held fast by some of the other girls and caused her son in law Ignatius ter Blans to give her a few stripes with a hand sambok on her bare posteriors, so that she was cut through in two places, which however having been healed by the remedies applied by her Mistress, no further marks of ill health were to be found on the girl, and she still lived with her own entire consent with the same mistress.

As therefore the result of this business did not perfectly agree with the statement made of the case by the Missionaries, nor the accused found guilty of that cruel ill usage, which that statement gave cause to suspect, but at the same time, as it was proved that the first accused in causing the punishment to be inflicted on Catryn Steven had gone farther than an ordinary and allowable domestic correction, and had given way too much to her anger, and the second accused had stretched his obedience to his mother in law too far, while however the rubbing in of the salt was denied by both, which, even if it had been done, could be ascribed to an old custom observed in the prisons on inflicting domestic corrections and which has formerly been considered serviceable.

The Landdrost of George having therefore taken all these circumstances into consideration, and also the favorable evidence given of the manner in which the first accused treated her people in general, he, by my advice, made conclusion that the first accused should be condemned in a penalty of Fifty and the second accused in a penalty of Ten Rixdollars, with condemnation of the first accused in three fourths and the second in one fourth of the

costs, which conclusion was adjudicated by sentence of the Commission accordingly.

The second case brought before the Commission at the Drostdy of George contains the cases of Griet, Steyn, Koosje, Bartje, Mina, &c., quoted in the statement of the Missionaries, Letter N.

This case, both according to the contents of the said statement and to the preparatory informations taken so early as the year 1809 by the then Landdrost of Swellendam A. A. Faure, and those now obtained by the Landdrost of George, contains no less than *eleven* very serious charges, namely one against Pieter Hendrik Ferreira, that he had taken away a little Hottentot named Kleinveld, and drove him on before his horse in such a manner that the horse trod on his stomach, in consequence of which he died four days afterwards; and the other *ten* against Martha Johanna Ferreira, wife of said P. H. Ferreira, for cruel and repeated ill treatment which had occasioned the *death* of no less than *seven* persons, namely the slave Steyn, the Hottentots Griet, Koosje, and Abigail, the slave Manissa and the Hottentot Rachel, and the wounding or maiming the Hottentots Lys, Hendrik, and Klaas, most of all which under such circumstances as must strike with horror every person possessed of the least sense of feeling, and which, if proved, could not be attributed to sudden passion or anger, but to a most malicious and deliberate cruelty, such, as among others that after having inflicted several wounds on the Hottentot Rachel and maimed her in the head and other parts, she intentionally had her burnt alive with the hut in which she lived; and that the Hottentot Hendrik, who was very young, having remained some days out in the fields with the calves, she put his feet into a pot of boiling water, and having made a fire under it, the toes fell off in consequence.

With respect to the charge against P. H. Ferreira of the death of the Hottentot Kleinveld, it immediately appeared from the preparatory investigation made by the Landdrost jointly with me, that the business had happened quite differently, namely that said Kleinveld being at a grazing place belonging to Ferreira, he went to fetch him home to take care of some cows and calves, that said Kleinveld fell sick some days afterwards and complained of a pain in his belly, for which Ferreira's wife gave him some physic, but without effect, he ~~having died~~ in consequence, and was buried by his father, ~~without any~~ being proved either

of immoderately driving him before the horse, or of the horse having trodden on him, or without any mark whatsoever being discovered on his body, which could strengthen any such suspicion.

The Landdrost therefore made no difficulty to declare that he had not any grounds of action against P. H. Ferreira in said case, in which declaration the Commission acquiesced accordingly.

But with regard to the charges against Martha Johanna Ferreira, it was not possible to judge so favorably, the length of time which had elapsed since the different cases were said to have happened before they were brought forward was the cause that no direct proof of the *corpus delicti* was to be had, but the joint circumstances rendered it but too probable that this woman went to work very immoderately in the chastisement of the servants, and brought her under the suspicion of having thereby maimed some of them and occasioned some of their deaths, so that it was absolutely necessary that those charges should be fully investigated, and that the accused should be obliged to give an account of such of her servants, who having been flogged in her service had died or were missing. For the regular development of all this, it was necessary that the accused should be examined on special interrogatories respecting each of the above charges, and a prosecution carried on against her according to law.

For this purpose the Landdrost of George, assisted by me, requested and obtained from the Commission a decree of summons in person against Martha Johanna Ferreira, on a charge of gross ill treatment and suspicion resulting therefrom of the murder or maiming of some of her servants, with reserve in case it might appear in the course of the investigation that Pieter Hendrik Ferreira, the husband of the accused, was also concerned in such crimes, of a right to institute an action likewise against him in consequence.

The defendant in person having therefore appeared in Court, the prosecution was commenced against her accordingly, which was certainly one of the most weighty and important that was ever carried on before the Commission, probably before any Court in this Colony. It was not a trifling matter to see a woman bearing all the appearance of a better than ordinary farmer's education, and a mother of ten children, publicly arraigned at the bar of a Court as accused of, and under the suspicion of having murdered and maimed no less than ten of her own servants, to

see her described as a woman who was driven away by her brother in law from his place in consequence, and who was stamped by her fellow inhabitants with the name of *Cruel Martha*.

Under these circumstances it was not surprising to see a more than ordinary concourse of hearers, and the public curiosity to see the veil removed from this interesting secret raised to the highest degree, so that the silent attention which was paid by all did not a little contribute to increase the solemnity of this trial. But the interest which both the Prosecutor and Judges, as well as the hearers took in this case, was considerably heightened when the defendant appeared and answered to no less than 240 interrogatories with that modest, decent, and at the same time feeling deliberation and coolness, which can alone proceed from conscious innocence or from those hackneyed in all the ways of hypocrisy and deceit. In this cool and tranquil manner she defended herself on all the points of charge, alone acknowledging that she had once given the abovementioned Hottentot Hendrik a stroke with a lath of splinter which she intended for his back, but which, having turned round, fell on his head with the sharp side, whereby he received a cut, the mark of which was still visible, and for which wound, as being caused by her imprudence, she felt well aware that she could not escape correction; while she accounted for all the other charges, and on confrontation persisted therein in such manner that some of them were entirely done away, and with respect to the others, the suspicions under which she labored were evidently elucidated in her favor.

For example, with respect to the Hottentot Rachel it appeared that she, having lain sick in her straw hut, was provided with everything necessary for her food and care, that in consequence of her illness she was allowed by the defendant to have fire and candle at night, that on a certain night when the wind blew very hard the hut caught fire and the unfortunate creature was burnt with the same, of which the defendant immediately gave notice to the Field Cornet Rademeyer, but he, being prevented from going himself to the place, had the body inspected by two other persons; that the suspicion of having intentionally set the hut on fire was not supported by proof and even must be considered as unfounded, from the danger that the defendant's own house must have been exposed to, it having been proved that just that very night the wind blew towards the defendant's dwelling, from which the hut

was but a short distance, so that it is entirely improbable that such a night would have been chosen for such a purpose.

In the same manner was the accusation of having maimed the feet of the Hottentot Hendrik fully accounted for; this Hottentot, a young boy, was accustomed to take care of the calves, and on a certain day being with them in the fields, such bad and stormy weather arose that he either lost his way or could not reach home through the swelling of the rivers, three days after which being at last discovered in the fields, he was found quite benumbed with the cold and his legs motionless; that being restored to life through the care of the defendant by rubbing and giving him warm wine, his feet however still continued frozen, and the defendant being advised to apply warm poultices of barley meal, or the warm juice of the Hottentot figs, she had recourse to those remedies, and with this wholesome intention put the feet of Hendrik into a pot full of that warm preparation, with no better effect, however, than that the toes partly fell off and partly became so callous that they were obliged to be taken off, which the defendant carefully performed, and cured the feet so well that Hendrik was at that time very well able both to stand and walk.

The death of Abigail also fully appeared to have been caused by a violent hemorrhage with which she was attacked during her lying in, while for the rest the defendant was very much attached to Abigail, and who was so much in favor as to cause jealousy among the others.

After all the witnesses called upon in this important case were examined, and the defendant interrogated and confronted on all the charges, and the most of them being brought to a very advanced degree of elucidation, the Landdrost however did not find himself enabled to close this prosecution, so as to state his opinion of what had now been developed and proved, and to proceed to make his conclusion, because that the defendant herself after the examination and confrontation of all the witnesses called upon, still appealed to the evidence of some other persons towards clearing her character and reputation, and for the elucidation of some circumstances which were yet involved in obscurity; of whose names having delivered over a list, it appeared to me that as the accusers had the fullest opportunity to bring every one whom they knew of, or wished, forward against the defendant, Justice therefore required that all opportunity to her defence

should remain unimpeded, and consequently that her desire would not be refused; wherefore I advised the Landdrost to request to know the pleasure of the Commission, whether they would be pleased to remain at the Drostdy till all the above mentioned witnesses should be summoned and had arrived, or as a month or more would elapse before such could be effected, whether they might be pleased to direct the Landdrost further to prosecute, and bring this action to a conclusion through the medium of his official Agent, before the Worshipful the Court of Justice, which last mentioned order was resolved on accordingly by the Commission, and the defendant discharged on the usual promise of hand and word to appear again, whenever required, either in Cape Town or at the Drostdy, *sub poena confessi et convicti*; on which the session of the Commission being closed, my task in this case was brought to a conclusion.

The Advocate De Wet, as official Agent to the Landdrost of George, and to whom I delivered a complete extract from the criminal records held at the Drostdy of George, containing the whole of the proceedings in this case, continued the prosecution, and having summoned the defendant to Town, he examined the witnesses alluded to in her presence; whereupon the investigation being closed, Advocate De Wet terminated the proceedings by a conclusion with respect to some of the charges for a full acquittal, with regard to others declaring that he had not as yet any grounds of action, and respecting the wound inflicted on the Hottentot Hendrik by a blow on the head for a penalty and condemnation of the defendant in the costs.

The business is now under deliberation of the Court for a final decision, and as soon as sentence shall be passed I shall take the liberty to communicate the same to you for His Excellency's information.

I hope that this report will prove sufficient to give a good and clear idea to His Excellency the Governor of the circumstances of all the several cases, with the investigation and management of which I have been charged, and of the result and termination of each of the same; and I further beg leave to refer to the annexed documents, in which all the different circumstances and proceedings in the said cases are more amply stated.

I submit to His Excellency's more enlightened judgment to decide in how far the unfavorable character that by the means of

a printed pamphlet has been thrown on the generality of the inhabitants, and even of the Magistrates of the far distant Districts, has been corroborated by proofs, and what kind of publicity may be reasonably wished for, in order to wash out that stain in the same manner in which it has been so generally and publicly imprinted; but which perhaps cannot be effected before that the report respecting the cases which occurred at an earlier period, and which is still expected from His Majesty's Fiscal, shall have been received.

In the mean time, in case I may have been so fortunate as to have fulfilled the intentions of His Excellency in the management of the several cases committed to me, and to have met with His Excellency's approbation, the pleasing recollection of having fulfilled my duty to the best of my power will always afford me the most satisfactory sensations in having been selected to contribute to vindicate the honor and dignity of Justice, and to imprint on the minds of all classes of Inhabitants of this Colony that they have nothing else to expect than *Justice and protection* from the paternal care of His Majesty's Government. I have &c.

(Signed) G. BEELAERTS VAN BLOKLAND.

[Copy.]

Letter from SIR JOHN CRADOCK *to the* REVEREND MR. CAMPBELL.

GOVERNMENT HOUSE,
CAPE TOWN, *February 10th 1814.*

REVEREND SIR,—I have the honor to acknowledge your address of the 21st of January, and have to express my sincere regret upon your departure from the Colony before the several points contained in it can be brought, with due deliberation, to a conclusion.

I trust that justice will be done to me by the respected Society to which you belong, that it has been the uniform endeavour of my administration of this Government to give the greatest practicable support in my power to the sacred efforts of your Institutions, and I will yield to no person whoever in the most anxious wishes to propagate the Blessings of Christianity, upon

the true and assured grounds of "active industry and vowed utility" in the community at large. Wherever this fails, it becomes the duty of a Government to pause, and gain assurance that a more rational order of things will in future be established.

I allow myself to feel that a proper spirit is now awakened upon the subject, and it may be hoped that the emulation, hereafter, will be on the part of the Societies to display their industry and useful intercourse, and on that of Government, in return for the benefits thus produced, an ardent solicitude to protect and encourage them in their Holy and their fruitful Labors. This must be the Bond between us, and if not fulfilled, as must be the case, in the first instance by the Heads of these Societies, the Government cannot but feel absolved from the performance of all conditions, on their side.

You are well aware that the disinclination to encrease, or even maintain, the Institutions already established in this Colony is almost universal, and that the general alarm and outcry is, that if they are permitted to enlarge or disseminate, the most fatal injury will ensue to the agriculture and sustenance of the Community. All this must be admitted by every reasonable man, if idleness is allowed to prevail, or if the Labors in the Field, at the proper seasons of the year, are not cheerfully accorded to all the surrounding Farmers, to ensure industry in general terms, and most extensive usefulness, it would seem very injudicious to allot any considerable portion of lands to these Institutions, that would render them independent of connection with their neighbours, and allow them to look on, upon all around them, with indifference. A certain portion of ground is necessary for the support of the more aged and infirm, and the due maintenance and respectability of the Establishment, but beyond this, I would prefer the introduction of Trades and Handicrafts throughout all classes, female as well as male, that would acquire money, and the means to purchase not only subsistence, but the decent comforts of life in proper habitation, apparel, and articles of the first necessity.

That all this is attainable (I hope you will not attribute the remark to any foolish pride in the arrangement or economy of a soldier's life) is demonstrable from the view of the order, comfort and creditableness of the Families of the Hottentots of the Cape Colonial Corps throughout their various quarters, and two very respectable Gentlemen of your Society, Messrs. Ulbricht and ——

who accompanied me during my tour through Albany, will readily bear witness to the improvement of these people, and the capability of civilization and decent demeanor they exhibit. The introduction of a very extensive School at the Head Quarters of the Regiment at Grahams Town, to the amount of some hundreds of children, cannot fail to produce the happiest consequences, and by giving teachers in the lapse of a very short time to all of the Hottentot nation who shall stand in need of instruction will tend to establish Christianity upon grounds and under prospects not to admit of doubt.

In regard to your first proposition, of the Establishment of a Missionary Society on the Cedar Mountains, I will hold the necessary communication with the Deputy Landdrost at Clanwilliam, and shall give to the subject the best future consideration in my power.

Your *second*, about the existing one in George District, at Hooge Kraal, must of necessity be thus regulated. I have visited the spot myself, and from the nature of the ground, close to the sea, and the farms surrounding it in every direction, it is impracticable to enlarge the grant, and therefore any excess of population must be removed elsewhere. The new establishment at Theopolis in Albany offers every good and suitable accommodation.

Upon the *third*, at Camis Mountains, near the Limits of the Colony, also in the Deputy Landdrostship of Clanwilliam, I must decline at this moment to give any answer, till I have more informed myself of all the circumstances. In respect of the apparently wretched condition of the Hottentots of that Kraal, I deplore the description equally with you; but I fear that we cannot put aside the reflection that unless the present proper spirit of activity and due regulations produce in future "great alterations," appearances may be argued against the effect of most of the Missionary Establishments, and that the common observer would be led to imagine that no real good had been accomplished hitherto.

On your *fourth* proposal also, at the Great Zwartberg, in the District of Graaff Reinet, I must equally require time to gain the full information that is necessary.

I am much obliged by the account you sent to me of the numerous Establishments on the Claar Water beyond the limits of the Colony, and coming from so respectable a source as yours, though the means of information from the shortness of your stay

must be confined, I am willing to believe that the mischiefs so universally imputed to that association are not so great as credited, and that under proper regulations it may not be esteemed as the refuge of many disorderly and wicked persons, obliged to fly from Justice. I still fear however that it has carried off many persons that belong to this Colony, and considering its very scanty population, the loss of any of the Inhabitants must be accounted an evil, and resisted by the Government.

To evince the good will and coöperation of my administration in all the pious works your respected Institution professes, I am happy to promise my ample support to the Society at Baviaan's Kloof, as foremost in those essentials of industry and usefulness without which every association must sooner or later fall to the ground, and I will enlarge their grounds and means of subsistence; but even with them I conceive their employment may take a much more extended shape and traffic, and manufactures introduced, of which at present they seem to have little intention.

To relieve Bethelsdorp and give the best chance of improvement to a place not even designed by nature for a creditable or useful foundation, I have granted, as far as the circumstance is practicable (the legal difficulties of which you are well aware) the beautiful tract in Albany, to which we have given the name of Theopolis, and I will hope that in this situation all the hopes and prospects of united Christianity and utility to the world, in which we now indulge, will be realized; such is the fertility and abundance of the place in every necessary of life, with wood, water, and every material for building at hand, that the very view will take away all excuse.

I shall close this communication with exhorting you to instruct all your subordinate Missionaries to shew the utmost respect to the several Landdrosts under whose authority they may be placed, and that they be specially informed not to admit any person into their Societies without the concurrence of the Magistrates in writing, as laid down by former Governments; without the performance of this indispensable condition, there will be perpetual complaint and irritation.

I have now, Reverend Sir, to express the great satisfaction I have derived from your special mission and residence in this Colony, and to declare my assurance that the respectability of your character and acknowledged amiable and conciliating

disposition, rendered more effectual by the extent of your travels and researches, will not only further to the greatest degree the objects of your mission, but leave a lasting impression of general advantage. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from the REVEREND JOHN CAMPBELL *to*
SIR JOHN CRADOCK.

CAPE TOWN, *February 12th* 1814.

SIR,—It is impossible for me to express how highly I appreciate your Excellency's approbation of my conduct while in South Africa, and I am certain it will afford lively gratification to that Society which I at present represent, knowing how solicitous they are to have the good will of all the Governments where their Missionaries are placed. I have no doubt, from the representations I have to make, but the Society in London will be fully convinced of your Excellency's good intentions towards the object of their Institution, and that they will see the importance, still more forcibly, of promoting the temporal interests of the Colony along with the moral and religious improvement of the Hottentots, and I think I am bound in justice to your Excellency and also to the Missionary Society to state, that they have no party views respecting this or any other part of the Heathen World, as a proof of which they have Missionaries in their employ from four or five different denominations or classes of Christians. Likewise I deem it important that your Excellency should know that, when the people in any place are effectually converted to the Christian faith, and have natives among them capable to carry on the work, then the Society's and the Missionary's object is attained, he will then leave them, and proceed higher up the country, in search of new and uncultivated fields. The object of a *wise* Missionary is the good of a world, and when the good he aims at is effected in one place he will hasten to another, like a city on fire, the firemen having extinguished the flames in one house, hasten to extinguish the fire in the next, and will not desist while a house remains burning.

When these views of the Society are more generally understood, I think they will experience more general countenance, at least among those who consider Christianity as revealed truth, and essentially connected with the immortal interests of mankind.

I am well aware of the superior appearance of the females at the military posts in Albany, and certainly it is a reproof to Bethelsdorp; the only alleviating consideration which occurs to me is that Commanders of military posts can speak in a more commanding or authoritative tone to those within the walls, than a Missionary can to voluntary settlers. However I hope the Hottentots of Theopolis will soon be in case to bear a comparison. Till I came to Africa the state of civilization at the settlements was little known to the Directors, now they will write more pointedly on that subject.

I can assure your Excellency that the assiduous exertions of the Colonial Chaplain, the Revd. Mr. Jones, for circulating instructors of youth over the Colony affords to me the highest gratification. What he is doing forms a considerable part of what the Society wishes to be done; and instead of their grudging that there is likely soon to be less occasion for their Schoolmasters in the Colony, they will be glad to hear that they are assisted by others in that very laborious part of instruction, and if the Society's Exertions for many years in this Colony have in any degree contributed to draw the attention of others to the instruction of the Colonists and natives, I have no doubt but they will be glad to hear of it, as we are commanded in Scripture to provoke one another to zeal and to good works.

I have no reason for complaint because your Excellency has put off coming to a decision respecting the Cedar Mountains and the other kraals till you obtain further information from the Landdrosts.

I am persuaded that the people of Klaar Water will be pleased with persons from the Colony being prohibited from joining them, for on such they look with a suspicious eye; nor does it make any part of the Missionary's object, who goes to so remote a distance from the Colony, to draw persons from thence.

My prospect of sailing for England to-morrow morning rather unhinges my mind for writing so as I wish unto your Excellency, but the haste with which I have been obliged to write on this account I offer as an apology for the deficiencies of my letter.

The Revd. Mr. Read of Bethelsdorp, or Mr. Thom, while he

remains in Cape Town, will be glad to convey to the London Missionary Society any communications you may be pleased to make concerning their affairs in South Africa.

With sincere thanks for your Excellency's kindness and condescension towards me while resident in the Colony, and real desire for your happiness in the best sense, I am &c.

(Signed) J. CAMPBELL,
Deputy from the London Missionary Society.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *February 14th 1814.*

MY LORD,—I request Permission to lay before your Lordship some public papers that have occurred between the Revd. John Campbell, Deputy from the London Missionary Establishment, and myself.

So much misrepresentation seems constantly to attend this subject, and there is always displayed so great activity on one side, that I cannot but judge it to be a safe course to put into the possession of your Lordship's office whatever Transactions or Correspondence may have passed on the part of the Colonial Government.

It would have given me the sincerest satisfaction to pursue any instructions I might have received upon the general subject of Missionaries, which I can assure your Lordship from its peculiar nature creates no little embarrassment, but feeling that everywhere the operation is much left to its own course, I have acted in this Settlement in the same spirit, and only endeavoured if practicable to unite some degree of activity and industry with the really venerated, if under due regulation, but otherwise only specious and fallacious principles they profess, especially in a Colony of immense extent, where the population is so inadequate and the personal exertion of every Inhabitant must be required.

Under all circumstances I may, however, assure your Lordship, as will appear by the annexed correspondence, that the present

Colonial Government is esteemed by all the Missionary Establishments as their sincere friend, and the greatest harmony and gratitude on their part seem to prevail. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Report of the FINANCE COMMISSION to SIR JOHN CRADOCK.

CASTLE OF GOOD HOPE, *February 14th 1814.*

SIR,—The Committee appointed by Your Excellency's Memorandum of the 27th of January last have, in obedience to your Excellency's commands, entered into an examination of the Sums issued under the authorities given by Lord Liverpool's letter of the 3rd of March 1810.

They find that 500,000 Rixdollars have been advanced to the Lombard Bank on the 26th of June 1810, and have since been lent out on interest to Individuals at 6 per cent per annum.

That a sum of 353,719 Rixdollars 1 Skilling and 3 Stivers has been issued and paid at different periods on account of Public Works; that a sum of Rds. 151,151-3-2 is necessary to be issued for the completion of the works ordered and contracted for, and that there appears other works most necessary, and in your Excellency's contemplation, but on which the Committee do not feel within the scope of their Commission to give any opinion further than to suggest to your Excellency that, as they are not contracted for, they may be postponed until the Treasury has a Surplus.

After this short statement, the Committee now proceed to give more particularly their opinion to that part of your Excellency's Instructions, in which you state that it appears to your Excellency that one main point is to rule all deliberation on the subject, which is, "to return into the Lombard Bank, as soon as practicable, all the money made through the order of the 3rd of March 1810, if not (through any political reasoning) the sum allotted to the Capital of that Bank most absolutely, viz. the 500,000 Rixdollars advanced for civil buildings and other public purposes, with the

view alone to *annihilate* it, and thereby relieve His Majesty's Government and the late and present Colonial Government from all assumed or real responsibility on this point," and they therefore beg to state their opinion, that from the supposed incapability of the several Country Districts, the interest on the Capitals advanced to them for the erection of public Buildings should be remitted, provided the several Drostdies engage to discharge their respective principal Debts by instalments according to what shall appear to your Excellency their respective abilities, and the Committee for this reason propose that a Circular Letter be addressed to the respective Landdrosts to whose Drostdies advances have been made out of the money created in virtue of the Secretary of State's Letter of the 3rd of March 1810, calling upon them to state within what term and in what proportion they will be enabled to repay to Government the advances above alluded to, and how they propose to raise such sums in their respective Districts, with an assurance at the same time, that they will only be exonerated from paying interest so long as they continue to discharge regularly and punctually such proportions of their respective debts as they severally engage to liquidate annually; and the Committee further propose that on the final repayment of the Sums advanced to the District for the erection of public buildings, such Buildings should become the full property of such Districts.

But although the Committee has recommended that the Drostdies from their supposed incapability should be exempted from paying interest, they however think it but right that the interest on the Waterworks in Cape Town should be paid by the Inhabitants of the Town, and that the whole or part of the Interest on the Capital advanced and still to be advanced for building a church and parsonage at Simons Town should be raised by a Tax on the Inhabitants of the Town and vicinity without distinction, and the distribution of the pews, the fees on marriages, baptisms &c.

The above works at Simons Town also to be ceded in full property to the Corporation or board, by whom the repayments are made to Government.

The interest on the several Sums advanced on account of various Colonial works not bearing any interest, viz. the Civil Offices &c. in Cape Town, should be regularly paid to the Lombard Bank by Warrant on His Majesty's Receiver General out of the Colonial Treasury, and repaid by the Bank to the Treasury, with a view

only of preventing any confusion arising in the Books of that Department, and enabling the Bank to close annually their interest account.

Your Committee further beg leave to submit as their opinion

1st. That an Excess of Paper money exists, more than the Commerce of the Colony requires.

2nd. That an Excess of paper money necessarily enhances the price of every commodity.

3rd. That to counteract the evils arising therefrom, the sum of 500,000 Rixdollars created for the erection of public works should be annihilated gradually, and at regular periods.

4th. That therefore such proportions of the Capital created as have been advanced to the Drostdies of Swellendam, Graaff Reinet, Uitenhage, and George, and may be repaid by instalments according to the abilities of said Districts, should be regularly destroyed by public Proclamation.

5th. That such proportion as has been employed in erecting the Civil Offices, the Custom House, supplying the Town with Water, also the Church and parsonage constructing at Simons Town, should be redeemed, by appropriating henceforward the interest accruing from the 500,000 Rixdollars added as a Capital to the Lombard Bank in virtue of Lord Liverpool's letter of the 3rd of March 1810, by the Tax imposed on Cape Town for the Waterworks, by the rent of any stores belonging to the Custom House, and by the interest paid by the Inhabitants of Simons Town and vicinity on the money laid out for the Building of the Church and parsonage, which being regularly and publicly destroyed, will give confidence to the Community in the remainder and prevent the ruinous depreciation that now exists.

And your Committee also recommend that the Public Buildings erected by the Paper money created in virtue of Lord Liverpool's letter of the 3rd of March 1810 should be hypothecated, in additional security of the paper money in circulation, without regard to the period of creation.

Adverting to the last paragraph of your Excellency's Memorandum, which relates to the repayment of the money advanced by the Dutch Government to the Drostdy of Stellenbosch on account of the fire, the Committee are of opinion that all the Instalments, that have been successively repaid into the Treasury since August 1805, should be publicly and immediately destroyed,

and the Committee beg to be allowed to add, that as it appears from Lord Caledon's dispatch to the Secretary of State, dated the 7th of June 1807, that the first instalment of Rixdollars 3000 was paid into the Treasury shortly before the Surrender of the Colony, in order to be destroyed, as directed by Mr. Commissary De Mist's resolution of the 30th of March 1804, but was seized by the Prize Agents at the capture, they conceive it but just to the public that this Sum, which actually had no value, should be deducted from the amount the Colonial Government has been directed to repay to the Agents for the Captors.

Messrs. Alexander and Dashwood not having concurred in many points with the Majority of the Committee, their reasons of difference are annexed for your Excellency's consideration.

We have &c.

(Signed) ROBERT MEADE, Lieut. Gov. and
President,
HENRY ALEXANDER, subject to my
annexed observations,
J. A. TRUTER,
D. DENYSEN,
FRANCIS DASHWOOD,
WILL. MUNRO, Acting Auditor
General.

[Copy.]

Memorandum by HENRY ALEXANDER, ESQRE.

February 14th 1814.

1. Mr. Alexander does not believe there is any excess of paper money above the wants of the Colony.

2. He does not therefore agree that hence has arisen any enhancement of price, but from augmented demand.

3. With great diffidence he dissents from a destruction of the paper money, as incompatible with Lord Caledon's proposal and Lord Liverpool's directions, and probably a positive Instruction from home may be as necessary for its destruction as its creation, it now being the coin of the State, and all taxes and rents payable therein.

4. Mr. Alexander cannot concur in recommending any Act pledging the Government to a release of Debts due by the respective Drostdies, altho' he concurs with the Commission that if at the end of each year there be any surplus Revenue, it would be very wise to apply such surplus to relieve local distress.

If these principles appear to your Excellency unfounded, Mr. Alexander will cordially co-operate in carrying what is agreed upon by the majority, when approved by your Excellency, into execution.

The Stellenbosch money being found due under adjudication of a Court of competent Jurisdiction, I am afraid we cannot ascertain whether that particular sum formed part of the sum adjudged; the whole by Lord Caledon stopped was 10,700 Rixdollars, the money adjudged was 63,000, so that near 40,000 was deducted from the sum seized, of which the Stellenbosch money may be a part.

(Signed) HENRY ALEXANDER.

[Copy.]

Memorandum by FRANCIS DASHWOOD, ESQRE.

February 14th 1814.

Mr. Dashwood dissents to the measure of destroying any part of the existing Capital afloat in this Colony, save and except the several Sums received from the Drostdy of Stellenbosch, and deposited in His Majesty's Treasury, because My Lord Caledon's letter to the Secretary of State, having to his apprehension suggested the necessity of increasing the circulating medium in this Colony 1,000,000 Rixdollars, and it equally appearing from the Secretary of State's letter in reply that the creation of the said Sum had been acceded to, in consequence of his Lordship's representation. The annihilation of any part of the same, without the especial authority of His Majesty's Government at home, appears to him an act premature in itself, and might be attended with the most serious consequences to the Colony.

And it moreover appearing that the issue of the said 1,000,000 Rixdollars was intended to be productive; the interest of one moiety to be applied as an increase of Revenue, while the

interest specifically directed to be levied on the other moiety, altho' not to be applied as part of the Ordinary Revenue, yet at the same time to be considered as Revenue, should preclude the possibility of diverting the one from its intended application, or relinquishing the claims of the other, by ceding the interest on the Sums issued, and calling in alone such proportion of Capital advanced as might be considered equal to the means of each respective Body, who had received such advances, without the same especial authority being first established.

(Signed) FRANCIS DASHWOOD.

Memorandum by SIR JOHN CRADOCK.

February 1814.

I have received the greatest satisfaction from the Report of the Finance Committee (of which the Hon'ble Major General Meade, Lt. Governor, was President) of the 14th inst, as I am persuaded the thorough knowledge of so important a subject by His Majesty's immediate Servants, and the very able suggestions, given in consequence, will produce the greatest Benefit to this Settlement.

I shall take the liberty to make some remarks upon each article, previously to any adoption, and endeavour without retrospect to past circumstances, to apply the present necessary measures to the cases as they exactly stand.

1st. The first proposition from the Committee is without a doubt a very prudent one, and I apprehend infinitely proper, "that several of the works throughout the Colony in actual order, but still not contracted for, should be *suspended* until the Treasury has a surplus."

These works, the joint offspring of my predecessor, the Earl of Caledon, and myself, had not been designed without full conviction of their Propriety, and I may add of their necessity; and I confess I feel extreme reluctance to abandon them. I will hope that as their operation will be progressive, and of course not chargeable at once, that the great and increasing prosperity of the Colony will be found equal to the expence as they may advance. It is not also irrelevant to add, that this apparent necessity of suspension arises from the greatly consuming sum allotted to

the Waterworks in Cape Town, of whose utility and ornament I am very highly sensible, but still I am extremely doubtful whether it would be fair to the rest of the Settlement to give up all the other works of pressing improvement for this object alone; unless therefore a more general view is suffered to continue, under, however, the most rigid economy in execution, the waterworks, the Drostdy of George, and the Deputy Drostdy of Caledon will nearly absorb the whole sum of 500,000 Rixdollars.

2. The second recommendation from the Committee: "That from the supposed Inability of the several Country Districts to pay the Interests, as well as a Proportion of the Capital advanced to them, for the erection of their public Buildings, the Interests should be remitted, provided the several Drostdies engage to discharge their several Principals by Instalments," I altogether approve, and request that a circular letter be written without loss of time to the Landdrosts in the full spirit of the one proposed by the Committee; and I cannot too strongly inculcate, that this part of the subject be clearly and comprehensively understood between the Landdrosts, on the part of the Districts, and the Government. If repayment, at a reasonable period, cannot be looked to, the Inhabitants of the Districts will feel that their daily representations for various alterations and improvements, however desirable, cannot have effect. It is the more required, at this moment, to bring the whole case into view and consideration as the most important and beneficial measure of an equal and authorized Local Taxation is upon the point of arrangement and execution.

3. What the Committee recommend in the third instance, respecting the Interests on the Waterworks in Cape Town to be paid by the Inhabitants, I judge very expedient and proper, as it proceeds from a proposition from the Burgher Senate on the part of the Inhabitants, which I promised to submit to His Majesty's Government for their approbation; but the recommendation that succeeds, about the liquidation of the money for the church and parsonage at Simon's Town, admits of some doubt, at least of hesitation, as the communications from England (but which will receive further explanation) have hitherto decided that this concern was to be considered as an English Establishment; and I am not without hopes that a sum of money may be advanced by the British Government. But in any point of view I am persuaded it

will ever be considered reasonable and just to allow to the Dutch Inhabitants the same liberal use of this church which they grant to the English congregation of their place of worship in Cape Town.

4. The fourth proposition from the Committee : that the Interest on the several sums advanced upon Buildings &c., which from their nature can yield no return, should be paid from the Treasury to the Lombard Bank, and then repaid into the Treasury for the sake of form and adjustment of books, though a fiction, yet seems proper under the limited state of the Colonial Resources, for otherwise I would not depart for a moment from the evident and all ruling principles, that all interest and principal should be turned to the sole account of *Annihilation* ; and I recommend it warmly to my Successors, upon any influx of means to resort to this Tenet.

I shall now take the liberty to state my opinion upon the several Resolutions framed by the Majority of the Committee, and sincerely lament that the judgments of two very distinguished Members, Mr. Alexander and Mr. Dashwood, according to their Protest so materially differ.

1st. "That an excess of paper money exists, more than the commerce of the Colony requires."

I feel much inclined to join in this opinion, but the subject altogether is so complicated and difficult in any country, but especially at the Cape of Good Hope, where no representation in specie is pretended, that I conceive it to be almost impracticable to make a satisfactory conclusion, without having recourse to documents and calculations of almost endless extent. There is however one point certain, that safety in Finance lies in being within the due proportion.

2nd. "That an excess of paper money necessarily enhances the price of every commodity." Of this I believe there can be no doubt. We have two facts in painful force before us, and without entering into theories, which will do no good, (were they even free from contest) it seems to be the duty of Government to meet and overcome them. These facts are, that the price of every article is enhanced beyond all measures, that the currency is so depreciated as to render it impossible to procure Bills of Exchange upon England under from 75 to 80 and 90 per cent. If this continues, no person can foresee the consequences.

It may be said, were there a larger Military Force ? a more

numerous squadron? Were there more Exports? Let us wait till the operation of the Free Trade produces its expected benefit. These points would produce a great reduction of the Exchange, and with this circumstance alone the present pressure would cease.

I fear it may be answered, that we can entertain no just notion that either the Navy or Army will be increased. The export in wine, through the late gracious act of His Majesty's Government, may be increased, but that cannot meet the three fold Importation and Consumption throughout the Colony of British Manufactures and the growing luxury that prevails. It is very doubtful, whether the arrivals of ships, either homeward bound or outward to India, will produce the real wealth expected. Every vessel from India will put in practice the whole art of smuggling, and each ship from England will contrive to bring articles sufficient to defray the expence of detention in this port.

Will therefore any person upon such expectations disregard the facts already stated of a daily encreasing depreciation of the currency, and not extend relief *in the only manner* within our power.

3rd. "That to counteract the evils arising therefrom, the sum of 500,000 Rixdollars created for the erection of public works, should be annihilated gradually and at regular periods."

This resolution meets my strongest approbation, as the only measure that will tend to lessen the evils before our view. I must however repeat that I confine myself to 500,000 Rixdollars, the half of the sum lately created, from the reason alone of the scantiness of the Revenue, for were it otherwise I should propose the gradual annihilation also of the whole million. When the Earl of Caledon recommended to His Majesty's Government the encrease of the circulating medium by 1,000,000 Rixdollars, His Lordship formed his judgment (and I hasten to add with all the wisdom that characterized his measures) upon the comparative cheapness of the times and a low exchange of from 17 to 20 per cent, and upon His Lordship's urgency and the responsibility thrown back upon His Lordship, the British Government acceded to the proposal. In the same spirit of acquiescence on their part, and the faith I would hope that they would place upon their succeeding Governments, I can have no doubt were the reference required but that upon the moment I submitted to them that all

things have altered from the former representation, I should receive orders to destroy that money, created upon so different a view. In addition to such reasoning, which I conceive but fair to all succeeding subordinate Governments, I feel a decided opinion that the very Instructions from Lord Liverpool which so strongly enjoin that the Revenue is to receive no advantage from the creation, breathe the entire spirit of annihilation, whenever the special purposes of the fabrication may be completed. But to sum up all that can be said in favor of any measures that can be resorted to, to stop the Depreciation of the Currency and lower the Exchange, in which England will not assist, from powerful motives on the part of their own Treasury, I am forward to say that if these evils gain ground, the whole fabric of the Colonial Government will be dislocated, and that every servant with justice will respectfully submit he cannot live upon his present salary.

4. "That therefore such proportions of the capital created as have been advanced to the Drostdies of Swellendam, Graaff Reinet, Uitenhage, and George, may be repaid by instalments, according to the abilities of said Districts, should be regularly destroyed by Proclamation."

I entirely approve of this Resolution, and enjoin, as far as may depend upon me, that this measure be invariably pursued with all the good faith and promptitude due to a public engagement.

5. "That such proportion as has been employed in erecting the Civil Offices, the Custom House, supplying the Town with water, also the church and parsonage at Simons Town, should be redeemed by appropriating henceforward the Interest accruing from the 500,000 Rixdollars added as a Capital to the Lombard Bank, in virtue of Lord Liverpool's letter of the 3rd March 1810, by the Tax imposed on Cape Town for the Waterworks, by the Rent of any Stores belonging to the Custom House, and by the Interest payable by the Inhabitants of Simons Town and Vicinity on the Money laid out for the Building of the Church and parsonage, which being regularly and publicly destroyed, will give confidence to the Community in the security of the remainder, and prevent the ruinous depreciation that now exists."

All these provisions except what relates to Simons Town, which, from reasons before stated requires some delay, engage my warmest approbation and coöperation, and I am to desire that immediate measures be taken to give to them the fullest effect.

I also entirely approve of the Hypothecation of the Public Buildings &c. in Cape Town, created through the means of the late fabrication, to the general mass of the Paper Currency, in additional Security, without adverting to the period of creation. Those buildings, however, through a foregoing Resolution of the Committee, in the Districts will be considered as their public property.

I cannot too much applaud the judgment of the Committee which recommends the immediate Destruction of the several Instalments paid to Government upon the fire at Stellenbosch. Independent of the absolutely required Legality of the act, it will stamp upon the public mind the justness and precision with which all financial measures connected with Paper Money are viewed by the Colonial Government, and the determination to place all this subject upon a footing not liable to future misconstruction or contention. The destruction of this money seems indispensable, as the preliminary steps before entering upon the view of the Paper currency, and the specific amount, for which there is acknowledged and adequate security, or not, a consideration it might be wise on the part of any Colonial Government to take up and ascertain at some early period.

In respect to the first instalment of 3,000 Rixdollars claimed as prize money, and under some doubt whether already deducted or not, it certainly does not appear determined by the inspection of the papers, and the question may be asked previously to determination, but upon a further reference to those papers it will be found that Sir John Nicol only recommends "that directions should be given to the Colonial Government to pay the sum awarded, should no further objection arise." A considerable error, it is necessary to remark, seems to have crept into the Colonial Financial annual Statement, by permitting either the Instalment paid on account of the fire at Stellenbosch, or the Retention of the Prize Money, a "pending case," to appear as regular Revenue.

As the present measures have the double object of giving confidence to the Public in the value of the Paper Currency, as well as to place the repayments of the advances for Civil Buildings upon an assured and permanent foundation, it appears to me the most judicious plan to be as open and explicit upon the whole subject as may be practicable, and bring nearly to the public view what is to be the future proceeding.

In the first instance, I propose to create at once the remaining 100,000 Rds. The terms of the Proclamation will display that it is the *last* measure of this nature.

In the same *Gazette* and succeeding I would state the resolution to destroy all repayments made on account of advance for the erection of Civil Buildings, until the 500,000 Rds. were cancelled, made for these purposes, and to mark the beginning, to destroy the 15,000 Rds. at present in the Treasury, repaid by the Burgher Senate.

I also think it would be proper to publish a Copy of the Circular Letter to the Landdrosts, that every part of the subject may be fully known.

A proclamation also should be issued upon the Destruction of the Repayments made upon account of the fire at Stellenbosch.

I annex Copies of the foregoing Papers, and should wish that the Finance Committee were once more assembled to take again into their consideration all this subject, as I should be sorry to definitively close these important arrangements without enjoying their concurrence, and receiving the further benefit of their advice and able suggestions.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from LORD BATHURST *to* LORD CHARLES
SOMERSET.

DOWNING STREET, 15th February 1814.

MY LORD,—In consequence of Representations having been made to me of the advantages that would be derived to His Majesty's Settlements on the Coast of Africa from the Establishment of a regular Packet, I gave directions to submit, for the Consideration of the Postmaster General, how far it might be practicable to dispatch a Packet every second or third month to the Cape of Good Hope; and I now transmit to your Lordship the Copy of a Letter which has been addressed to my Under Secretary by Mr. Freeling on the Subject in question for your information. I have etc.

(Signed) BATHURST.

Report and opinion of Sir John Truter on the Memorandum of Sir John Francis Cradock, dated the 26th May 1813, respecting the Taxes which are paid by the Inhabitants of Cape Town, and of the respective Country Districts.

The burthens borne by the burghers and inhabitants of this colony are distinguished in two classes :—

(a)—*General Taxes*, which are paid on behalf of the government treasury, and which are appropriated to defray the public expense of the administration of the colony at large, and

(b)—*Special or Local Taxes*, which are levied in Cape Town and the respective country districts, from which the costs of the local or domestic administration of the town and each of the districts are defrayed, with the exception of the salaries of the servants of government, who, although employed in the different districts, are however paid out of the colonial treasury.

When this colony surrendered to the arms of his Britannic Majesty in the year 1806, the general burthens and taxes consisted in the following :—

- 1.—The tithes on grain.
- 2.—The inland customs on wine and brandy.
- 3.—The duty of four per cent on the transfer of all immoveable property.
- 4.—The duty of two and a half per cent on the transfer of the *opstals* of loan places.
- 5.—The stamp duty.
- 6.—The duty on goods and merchandize imported into this colony.
- 7.—The export duty on colonial produce and other goods.

These general taxes, imposed from time to time to the surrender of the colony, the only branches of government's revenue which, in my opinion, can be considered as taxes, rest upon general principles, are legally authorized, and from their nature have been and are still so circumscribed, that hardly any thing arbitrary could or can take place in levying the same.

The special taxes on the surrender of the colony consisted in the following :—

1. *Cape Town, and the Cape Country District.*

- (a)—Head money including lion and tiger money.
- (b)—Hearth money.

2. *Stellenbosch.*

- (a)—Head money.
- (b)—Duty on sheep and black cattle.
- (c)—Street tax.
- (d)—Flying bridge toll.
- (e)—Kloof toll.

3. *Swellendam.*

- (a)—Head money.
- (b)—Duty on cattle.
- (c)—Flying bridge toll.
- (d)—Vestry or church money.

4. *Tulbagh.*

- (a)—Head money.
- (b)—Duty on cattle.
- (c)—Street tax.
- (d)—Kloof toll.

5. *Graaff Reinet.*

- (a)—Duty on cattle.
- (b)—Street tax.
- (c)—Vestry or church money,

6. *Uitenhage.*

- (a)—Duty on cattle.
- (b)—Street tax.

Some of these special taxes, also legally imposed from time to time, have been regulated; for example, on sheep and black cattle, at 16 stivers or a Cape guilder for a hundred sheep, and 1 stiver for each head of black cattle; but others, such as head money, have been for the most part left to the discretion of the local magistrate, a thing which, especially in the town where head money constitutes a principal source of revenue, could not fail of causing disproportion and inequality.

With respect to the street tax, (of which it must appear singular that the same is levied in most of the country districts, and not in the town where the streets are,) it seems proper to remark that this tax is an extraordinary one, introduced on the order and

authority of the Earl of Macartney, by proclamation of the 5th March 1798, and extended over the whole of the colony by his Lordship's subsequent proclamation of the 7th of April of the same year, in consequence of the town treasury not being then able, out of the usual revenue, to defray the expense of repairing and putting in order the streets of the town, and the roads in the neighbourhood of it, both of which were then in very bad condition, the streets, previous to that time, being repaired by the inhabitants of each house for as far as the same extended; while the high road from the Castle to Rondebosch was kept in order from the common funds of the town.

On the introduction of the street tax, it was said it should consist "in an increase of the usual taxation to one-half, or more, in proportion to the property and ability of the respective inhabitants;" and that it should continue "until the said expenses, of which they (the burgher senate) shall keep a separate account, shall be defrayed."

In the year 1804, the town treasury having sufficient funds in hand, the levying of the street tax was then discontinued for three years, by resolution of the Governor and Council, dated the 30th May; but in the districts of Stellenbosch and Tulbagh it was continued for the term of ten years, from 1805 to 1814 inclusive, by proclamation of the 11th July 1804, on the orders of the Commissary-General De Mist. The same took place that year for the district of Graaff Reinet, a part of which was separated under the name of Uitenhage; in all of which districts, however, the street tax was to be appropriated to other purposes, namely, to the erection of new and repairing of old buildings, at the respective residences of the different districts.

With regard to the street tax at Swellendam, which, as appears by letter from Lord Macartney to the burgher senate, dated the 23rd August 1798, was duly paid, to the amount of *Rds.* 2,348, I was informed that this district was speedily released therefrom, although I have not yet been able to learn the particulars. In the meantime, after the surrender of the colony, the street tax was again introduced in Cape Town, including the Cape district, by proclamation of Sir David Baird, dated 2nd October 1806, and continued here since accordingly; while at Stellenbosch, Tulbagh, Graaff Reinet and Uitenhage, the money, under the name of street tax, remained included in the revenue of the district.

The particular taxes of the town and districts are, as has been already observed, appropriated to defray the internal expense of each; and in case the revenue was not sufficient to pay the same, the burgher senate, or the landdrost and heemraads, were obliged to report the same to government, with their opinions on the subject, on which government then decided by what means the treasury should be supported. This in capital expenditures, for instance, the erection of new buildings, was (under the last Dutch government) done by advancing the monies required, under a stipulation of gradual and moderate repayment.

In comparing the particular taxes of the different districts together, it will be found that there was already some inequality in those taxes at the last surrender of this colony in the year 1806, and that the same taxes were not paid in all the districts; but it will at the same time be perceived, that the burthens which are not borne in all the districts originate partly from local circumstances, whereby such taxes are rendered necessary in some of the districts, and again not in others; as for example, *vestry or church money*, in districts where a church was to be built; kloof toll, in districts where it is necessary to keep roads through the kloof in repair; flying bridge toll, in those districts where it is necessary to keep such for the passing of rivers; so that, for so far as it appears to me, the only actual inequality which existed was in the head money, which was higher in the town and Cape District than in the country districts; but on the other hand, the inhabitants of the latter are obliged to pay so much the more for sheep and black cattle. As therefore the inequality was left visible, and as the taxes in general were very moderate, there were no reasons of grievance; neither did I hear of any; although, in the case of taxes, a just ground is seldom looked for in order to complain.

In this situation were the special taxes for the town and country districts on the surrender of this colony to the arms of his Britannic Majesty in the month of January 1806, since that time, not only the particular or local taxes of the several districts, but even most all the districts themselves, have undergone a considerable change, as the boundaries of Stellenbosch and Swellendam have been since altered; the district of George established between Swellendam and Uitenhage, and the Cape Country district separated from the town, and placed under a separate board of landdrost and heemraads. From all these alterations the colony

is now distinguished into the eight following divisions: *Cape Town, Cape District, Stellenbosch, Tulbagh, Swellendam, George, Graaff Reinet, and Uitenhage.*

Each of these districts have now their own particular taxes ; and in this respect it has become the task of the Commission, in compliance with the desire of his Excellency the Governor and Commander-in-chief, contained in his memorandum of the 26th May 1813, to investigate for as far as regards each district,

1.—In what the present taxes of the same consist.

2.—Whether, and by what authority they have been introduced.

3.—In what manner each tax is levied ; and,

4.—What is to be remarked either respecting the tax itself, or with regard to the manner of its being levied.

After which it will then remain to examine,

5.—In what the taxes of the several districts agree, and in what they differ from one another.

Which point will naturally lead to investigation,

6.—Of those means by which the taxes in the different districts, for as far as they do not agree, can be established on an equal, regular and proportionable footing ; to which I shall take the liberty to add,

7.—Some remarks respecting the financial direction of the different districts, together with those means which, in my opinion, in conjunction with those already in observance, will best tend to the establishment of a greater degree of security and confidence for all the interested parties.

Cape Town.

The town taxes at present consist in,

(a)—Lion and tiger money, under which is included head money.

(b)—Hearth money or watch tax.

(c)—Street tax.

(d)—Commando tax.

(e)—Inland duty on produce brought to market.

(f)—The cost and expenses of laying the public water-pipes in town.

Whether, and by what authority these taxes have been introduced ?

Both the first mentioned constitute the old town taxes, which

have been levied from time immemorial, and therefore they are called, in the thirty-third article of the Instructions for the burgher senate, "Usual taxes furnished to defray the common expenses."

The term of "lion and tiger money" is derived from the premium which it was customary to pay from the common revenue for the killing of lions, tigers and other wild beasts, while head money seems always to have implied what each head furnished in proportion to his means to defray the expense of the town, which head money for persons who had not any property was limited to thirty-two stivers, or two guilders Cape currency. Hearth money, alias called watch tax, is comprehended in the said thirty-third article of the burgher senate's Instructions, and was originally only paid for dwelling houses; but this is now likewise levied for stores or packhouses. *Street tax, commando tax, market duty*, and the taxes for the water-pipes, are all authorized by the special proclamations of the 5th March 1798, 9th December 1812, the . . . April 1812, and 2nd September 1813.

In what manner each tax is levied :

The manner of levying formerly, as far as regarded the head money for persons not possessing property, was, as has been already prescribed, at thirty-two stivers each, while all the others were rated according to their circumstances; and with respect to hearth money, this was formerly and is still *Rds.* 4 per annum, or 3 *sk.* per month, for each house or packhouse.

Since, the head money for persons possessing landed property has been prescribed, as it appears on the introduction of the street tax, at *Rds.* 3 per head; and, lastly, the burgher senate have divided the town taxes as follows :

- 1.—Hearth money, rated as before.
- 2.—Ordinary taxes; comprehending head money, and lion and tiger money.
- 3.—Street and road tax; and,
- 4.—Extra levies.

The so called ordinary taxes are continued on the ordinary footing; namely, persons possessing property, taxed according to their ability, and others at a prescribed sum.

The burgher senate also observe the same rule with respect to both the last-mentioned taxes, namely, the street tax and extra levies, the former of which is paid in the month of April and the latter in October, and they are both known by the burgher senate

under the name of *double taxes for the streets and roads*; for the levying of which, the senate derived their authority by a letter from the Earl of Macartney, dated the 16th October 1798, whereby that board was qualified to augment "the intended quotas for the streets and roads in proportion to the fortune and ability of each of the inhabitants."

The commando tax is also regulated according to the apparent means of each, on the same footing as the street tax.

The market duty has been prescribed by the burgher senate, sanctioned by government, and duly promulgated on the 27th May 1812. And with regard to the contribution for the water-pipes, this is proportioned according to the size of the houses, all of which are on that principle, classed into the following eight different classes, and taxed accordingly:—

No. 1.	.	.	.	at Rds. 20 per annum.
2.	.	.	.	15 ditto.
3.	.	.	.	12 ditto.
4.	.	.	.	10 ditto.
5.	.	.	.	8 ditto.
6.	.	.	.	6 ditto.
7.	.	.	.	4 ditto.
8.	.	.	.	3 ditto.

Which classes are, however, distinguished by the burgher senate under three heads; the first containing No. 1 & 2, the second No. 3, 4, & 5, and the third No. 6, 7 & 8.

Remarks either on the tax itself, or with regard to the manner of levying it:

On the town taxes themselves there is but little to remark, as each of them has its own peculiar utility. The commando tax, a temporary one, liberates each of the inhabitants from personal service on the frontiers against the Caffres.

The market is an institution for the general welfare to secure the internal trade, to which no persons contribute than those who either directly or indirectly experience the utility thereof. In the same manner is the utility of the water-pipes generally acknowledged, and it is even to be hoped that in time this tax will either entirely cease, or be reduced to a very moderate quota to keep those substantial water-works in repair.

Hearth money, as well as head, lion and tiger money, are paid

to defray the expense of guarding the town, keeping the fire-engines in order, and other such purposes connected with the safety, use or ornament of the town. It is only to be remarked, with respect to the street tax, that from this extraordinary tax an ordinary one has been made, notwithstanding the proclamation of the 5th March 1798 has prescribed this tax only "till the expense of making the streets should be defrayed," and notwithstanding the streets and roads have been actually brought into order since that time, and for a long while back have not required anything else than repairs. I acknowledge that the conduct both of the Batavian Government and of his Excellency Sir David Baird affords a justification for the burgher senate continuing this tax; I will not even deny that the state of the town treasury required this continuation; but all this does not do away that the street tax with respect to the inhabitants, which has hitherto possessed the authority only of an extraordinary tax, has continued after that the extraordinary circumstances which required the measure have long since ceased to exist; a thing which I conceive I may call irregular, and confidently state it to his Excellency as such.

I have much more to remark on the manner in which the taxes are levied in Cape Town. A most necessary requisite in the levying of taxes is *certainty*, whether *absolute* or *relative*; that is, the tax should be so regulated that every person can ascertain what he has to contribute in proportion to his circumstances, and that he does not contribute more than another. To establish this certainty, every person should have access to the rule by which his quota is regulated, in order to be enabled to see whether he was taxed agreeably to his means, and in proportion to the contribution of his fellow-citizens.

This certainty does not by any means exist in the taxation for the town, hearth money and the contribution for the water-pipes alone excepted.

In what manner is the head money, street and commando tax levied in Cape Town?

The burgher senate say, in proportion to the property and income of each individual; but let us further ask, in what manner is the calculation made, and what proportion the amount of the tax bears to the amount of each person's property and income? and then we cannot expect any other answer than that this calculation is locked up in the breasts of the individual members

of the burgher senate, without their being enabled in case of complaint to give a decision founded on any certain grounds. This uncertainty with the members of the burgher senate themselves does not only justify, but even causes doubts with individuals who are not accustomed to pay without knowing for what; and also, therefore, consider themselves aggrieved by the tax, only because they cannot calculate their quota. A heavier burthen imposed by legal authority for acknowledged public purposes, and calculated by a prescribed rule, either according to the rank, property or income of the inhabitants, is therefore considered much more supportable than a more moderate tax, which, although levied by legal authority, and appropriated to public uses, is however left to the discretion of official persons or boards, and of which neither the amount or the proportion can be calculated.

It would, therefore, in my opinion, be useful that the manner of levying in Cape Town, as also in some of the country districts, should be established on a more regular and certain footing, in which respect I shall hereafter take the liberty to offer my sentiments.

Cape District.

1.—The taxes on this district consist at present in the following :—

(a)—Lion and tiger money, including head money.

(b)—Street tax.

(c)—Commando tax.

Whether, and by what authority the taxes have been introduced?

This district having belonged to the jurisdiction of the town magistracy or burgher senate till the year 1809, consequently both the first-mentioned taxes are founded on the same authority as those in the town, while the commando tax was introduced and prescribed at a sum of *Rds.* 10,000 for the Cape district by the proclamation of the 4th December 1812.

In what manner each tax is levied :

The head, lion and tiger money, and the street tax, having been hitherto levied and received by the burgher senate, as well in the Cape country districts as in the town, everything which I have already said respecting the town taxes is also applicable here ; to

which I have only to add, that the taxes for the Cape district are at present specified on a separate quota roll, under the name of,

- 1.—Ordinary taxes.
- 2.—Extraordinary taxes.
- 3.—Second levy.

Under which classification, head money, street money, and the so called double or augmented contribution for the streets, are comprehended.

Towards obtaining the commando tax, which is received by the landdrost, and accounted for by him to government, the board of landdrost and heemraads have taxed the proprietors of land in proportion to the apparent relative value of their possessions, and all the others at discretion.

Remarks respecting the tax itself, and the mode of levying it:

The taxation itself in this district is founded, as far as regards the ordinary taxes and the commando tax, on principles of equity, and the street tax as having been appropriated till that the turnpike was established at the lines, to defray the expense of repairing the public roads in the neighbourhood of the town, cannot either be considered previous to that time as unreasonable; but since the establishment of the turnpike, from the toll of which the roads are now kept in repair, I am humbly of opinion that the street tax is not longer applicable to the Cape district, and that should the amount of the same be required for other purposes, the tax should be continued under a more appropriate title, whereby the original condition of the street tax, specified in the proclamation of the 5th March 1798, would at the same time be complied with.

What I have taken the liberty to say regarding the manner of taxation for the town is also applicable to this district, and even with respect to the commando tax; wherein, notwithstanding the apparent order in which the landdrost seems to have placed the taxation of landholders in his district, I have already found too little regularity to be enabled in all cases to have a fixed rule to ascertain the different quotas by. There is not any regular classification in this tax, and as soon as a person has more than one place, the landdrost and heemraads deviate from their own assessment, and make an arbitrary diminution. In one word, in case ten different persons or boards, taking the proposed order of landdrost and heemraads for a basis, were obliged to form a quota

list of the commando tax for the Cape district, I believe that all the several lists would differ from each other, a thing which must justly be considered as a great uncertainty, and therefore is a defect in the manner of making the levy.

The manner of assessing persons not possessing landed property, as proposed by the landdrost, is in my humble opinion still more uncertain, and reduces persons into one class, who in point of property may be very differently circumstanced; as for example:—"Married men not having any property, but possessing some share in their parents' farm, at 20; young men above sixteen years, 10 to 8; men who have not any property, but perhaps some means of subsistence, 8 to 5."

This classification appears to me to bring inequality with it from its very nature, and therefore cannot be admitted as good, and consequently it requires redress, on which subject I shall hereafter speak in treating on the sixth point.

Before I leave this district, and proceed to that of Stellenbosch, I take the liberty to remark, that the landdrost of the Cape district has stated the following as taxes belonging to the same; viz.

- 1.—Contribution of workmen for the repairs of the public roads.
- 2.—Lodging and provision for persons travelling on service.
- 3.—The requisition of waggons, &c. for the troops on a march, and providing for other public persons on their journey.
- 4.—The conveyance of government despatches and those of government servants.
- 5.—The forming commandos in pursuit of deserters, runaway slaves, &c.
- 6.—The delivery of barley, oats and chaff, for a limited price, generally less than the market price.

These items certainly can be considered as taxes, but they are only eventual, required by local circumstances from time to time, and are not all accompanied by pecuniary sacrifices; while for some of them, such as the forwarding of the public despatches, and delivering of barley and chaff, there is a remuneration allowed by government, which considered in itself has always appeared equitable to government at the time of fixing the same, and which has alone obtained the appearance of being insufficient from circumstances which occur through the unavoidable course of things, and against which it is almost impossible to provide

without injury to the public service, and consequent prejudice to the general interest.

With respect to the contributing of workmen for the repairs of the public roads, it is further to be remarked, that such is not done otherwise than by proprietors of places for roads over which they must transport their produce, wherefore it does not appear to me that this contribution can either be considered as any sacrifice of property on behalf of the district. And in like manner I do not conceive that the furnishing of commandos to clear the district of vagabonds can be considered as an actual district tax; and there is no material ground to admit the remark of some, that able-bodied men alone are under that obligation, and that the aged and children are excused, for when the able were children the now aged protected the district, the same as the present race of children must do the same in their time, when they arrive at the age of maturity; all of which, I conceive, is very easy to reconcile with social order and civilization.

Finally, with regard to the lodging and supply of official persons travelling on service, payment is generally made both for the military and others; while, besides, the receiving and providing for such travellers must remain an unavoidable necessity till that an increase of population may render the establishment of public inns practicable.

Stellenbosch.

The special taxes in this district consist at present in,—

- (a)—Head money.
- (b)—Sheep and cattle tax.
- (c)—Street money.
- (d)—Toll paid for passing the flying bridge at the Great Berg River; and,
- (e)—Commando tax.

Whether, and by what authority the taxes are introduced?

All these taxes are levied by legal authority, the two former having from time immemorial constituted the yearly taxes in the country districts, while the bridge toll, street and commando taxes have been successively introduced by government advertisements of the 2nd January 1807, and proclamations of the 5th March 1798, and 4th December 1812.

In what manner each tax is levied:

With respect to the manner of assessment, it used to be, as to head money and cattle tax, for every hundred sheep 16 stivers, and for each head of black cattle 1 stiver, which included the head money for each father of a family; while persons upwards of sixteen years of age, not possessing any cattle, were assessed at 2 Cape guilders or 32 stivers for head money each; and those taxes, augmented with the half, constituted since the said proclamation of the 5th March 1798 the street tax.

This manner of assessment was however deviated from at Stellenbosch in the year 1806, and instead of taxing every person according to his means, each was left at liberty fairly to tax himself, which manner of assessment continued till last year, when the expenses being found to amount to more than they had hitherto done, in consequence both of the commando and other circumstances, the board of landdrost and heemraads found good to assess the head money, cattle, street and commando taxes in one round sum, by augmenting the sum hitherto contributed to the amount required for that year, without fixing what sum was to be paid by every inhabitant for each item of tax.

The toll for the flying bridge was regularly prescribed by the above-mentioned advertisement of the 2nd January 1807, and promulgated by a board fixed near the bridge, so that every person passing the same could immediately perceive what he had to pay for himself, his carriages and his cattle.

Remarks respecting the tax itself, and the mode of levying the same:

With respect to the taxes themselves of this district, there is but little to remark; head money and cattle tax are taxes from which the expenses unavoidable to the domestic government of the district are defrayed. The contribution, instead of personal service and the additional pecuniary supplies for the embodying of commandos against the Caffres, must remain as long as the necessity for these commandos exists, a measure which being dictated by necessity, not only no person can have reason to complain, but also a part of the inhabitants are thereby relieved from the inconvenience of personal service, and others again spared from furnishing still heavier supplies.

The flying bridge toll is only paid by those who pass the same, for which they receive a safe passage for themselves and their cattle. It is alone to be remarked with respect to the street tax,

introduced since the beginning of the year 1805, agreeably to the proclamation of the 11th July 1804, that the same has been applied, especially with regard to this district, to the new building and improvement of the prisons, and repairing and securing of the water-courses; after the expiration of which time, it appears to me that it would be regular to give this tax a more appropriate name, or if the continuation of this tax must serve to the support of the treasury of the district of Stellenbosch, the income of which has really suffered a sensible diminution by the district of Tulbagh being separated from it, in such case to raise the ordinary taxes of head money and cattle tax in proportion, and thereby an ordinary tax sufficient to defray the common expenses, instead of an extraordinary assessment of street tax, rather than to continue such extraordinary tax, after the reasons which called for the measure have ceased to exist, and against the express tenor of government's proclamation of the 5th March 1798, which says, that the tax for the expense of the repairs of the streets should only continue "until the said expenses shall be defrayed."

This observation I have only made for the sake of order, but with respect to the manner of assessment in the district of Stellenbosch more weighty and important considerations have occurred to me. It was a very great irregularity that the landdrost and heemraads, so early as the year 1806, should have combined in one the ordinary taxes of head money and cattle tax with the extraordinary assessment of street tax, and to leave every person at liberty to assess himself; for the former, some pretext could perhaps be found in the then not groundless prospect that the extraordinary assessment of street tax must also be continued after the end of the year 1814, to defray the common expense, or at least succeeded by some other ordinary tax; but the faculty of each to assess his own quantum is an irregularity for which no colour of excuse is to be found, and which sooner or later must occasion the greatest confusion, as it does not appear that this self-taxation is restrained by any other principle or rule than the opinion of each individual out of whose purse the payment is to come, and who therefore derives a real profit from any diminution.

The present magistracy of Stellenbosch appears however to have felt this impropriety so little, that they have not only followed the same irregularity, but have taken it as a foundation

to levy all future taxes in one mass, simply by augmenting the sum paid by each in the preceding year to so much as may be required for the succeeding one, without making the least distinction either in the expenses or between ordinary and extraordinary taxes, and without prescribing any item of tax at any fixed sum ; so that although the taxes in the district of Stellenbosch were augmented in the year 1813 from *Rds.* 4,000 to *Rds.* 21,000, when the commando money, amounting to *Rds.* 12,000, is deducted therefrom, no person can know where the still remaining astonishing augmentation has arisen from, or how much he has paid for ordinary taxes, or how much he is obliged to pay for extraordinary, about which the hope of being eventually freed from may be entertained ; a manner of assessment which, in my humble opinion, is contrary to the first principles to be observed in the measure of taxation, agreeably to which every person should be enabled to feel that he was taxed in proportion to his fellow-citizen, and that what he paid in consequence was actually applied to such public purposes as he is obliged in proportion to his means to contribute his quota to.

These remarks are of the more importance when the manner is considered in which the magistrates of Stellenbosch have calculated the expenses of the district in their own statement to the Committee ; viz.

	<i>Rds.</i>
Fire engines	1,000
Deficiency in the commando money, April 1812 .	1,000
Instalment to the Lombard Bank	2,000
Annual head and street money	4,000
Commando contributions	12,000
Extraordinary expenses of the Eerste River .	1,000
	<hr/> 21,000

On this subject, I believe, I may with justice remark,—

(a)—That the payments to the Lombard Bank should not be an object of taxation in a district, the funds of which consist among other resources in capitals let out on interest, from those the capitals taken up for account of the district can certainly be discharged, it being in my opinion a very erroneous administration to enrich the funds of the district by taxes.

(b)—That the annual head and street money is brought in as a tax of the district while in fact it belongs to the revenue, and

should at any rate have been specified in the statement under some other term, in order to be considered as an item of expense.

(c)—That the deficiency in the commando money of April 1812, the extraordinary expenses at Eerste River, as well as the contributions for the commandos, are items for which special levies are made, and which must therefore be separately accounted for.

(d)—That by allowing such extraordinary expenses as both the first-mentioned items in the preceding article to be thrown into the general taxes, and thereby increasing them, a power is indirectly given to the magistracy of the district arbitrarily to increase the taxes, and by so doing under the authority of government is in effect nugatory.

In the justness of all these remarks I am more confirmed by a statement of expenses sent into the committee for the current year, by which the expenses of this year are estimated at *Rds.* 30,438, about half as much again as those of last year, towards the finding of which sum the landdrost and heemraads simply propose to tax the inhabitants of their district for this year at a sum of *Rds.* 31,000, without again making the least distinction between extraordinary and ordinary expenses and income, much less taking the trouble, by any kind of act whatever, to give the inhabitants an idea of the circumstances, which over and above the commando money, cause the expenses of the district to climb from year to year to such an astonishing height; and even without acquainting government with the principles upon which the proportionable equality of this augmented tax is to be founded.

I have not said anything of the district of Stellenbosch respecting the school funds, because the landdrost has not made any mention of it in his report to the committee; but what is said with respect to other districts where school money is stated as a tax, can also be applied to the district of Stellenbosch.

Tulbagh.

The special taxes of this district consist in,—

(a)—Head money.

(b)—Sheep and cattle tax.

(c)—Street tax.

(d)—Kloof toll.

(e)—Commando money.

(f)—School money.

Whether, and by what authority the taxes have been introduced ?

The head and cattle money, as well as the street tax, rests in this district on the same authority as in that of Stellenbosch. The kloof toll is specially authorized by government's advertisement of the 28th February 1807. The commando tax is prescribed by proclamation of the 4th December 1812, and the school money by an authority of government dated 1813.

In what manner each tax is levied :

Respecting the manner in which the taxes in this district are levied, it has appeared to me, that for the head money of each person above sixteen years there is paid *Rds.* 2. 4. 0.

For every hundred sheep and goats 0. 4. 0.

For each head of cattle 0. 0. 1.

Which quantum was prescribed by Mr. Bletterman, who was specially commissioned by the Batavian government to organize the district of Tulbagh.

It appears that head money is paid only by persons who have not cattle, or do not possess any property of consequence ; and that the tax on those who possess cattle is augmented with the half, from whence both the head money and street tax are found, while those who have not any cattle, but possess other property, are assessed in proportion to their means.

The commando tax in this district is entirely separated from the ordinary taxes, and is collected in each fieldcornetship in proportion to the circumstances of the inhabitants. The kloof toll is laid agreeably to a tariff approved by government, of which every person can obtain the necessary information on passing the same ; and towards the establishment of a school fund, the landdrost has provisionally imposed a tax of one rix-dollar on each place, and half a dollar on every erf, for which, however, I could not discover that he had received any authority.

Remarks respecting the tax itself, and the mode of levying the same :

The taxes of this district being all levied by legal authority and most applied to such public purposes as they have originally been introduced for, there is but little to remark excepting what has been already said about the street tax with respect to the drostdy

of Stellenbosch, and which I request may be applied to all the other country districts, the Cape district alone excepted. But with regard to the mode of levying in this district, it is to be observed, that the tax for the school funds of one rix-dollar for each place, and half a rix-dollar for each erf, should not have been carried into effect before government had approved of the measure, which in my opinion should have also taken place with respect to the commando tax; to which I must further add, that the manner of assessing in this district, for as far as regards both these extraordinary taxes only wants the sanction of government to be freed from all remarks, for in every other respect it has appeared to me to be perfectly correct, while the keeping of those extraordinary taxes separate and properly distinguished is an arrangement well adapted to prevent all confusion in future. The only apprehension of confusion in this district is with respect to the street tax, it being so blended with the head and cattle tax, that it would be difficult to separate it in a proportionable manner; but it appears here the same as in the district of Stellenbosch, that they were by no means willing to separate the street tax from the permanent ordinary taxes, a thing which is not less irregular at Tulbagh than at Stellenbosch.

Swellendam.

The taxes of this district consist in the following; viz.

- (a)—Head money, as well for the inhabitants as for the Hottentots and slaves.
- (b)—Tax on the cattle.
- (c)—Ditto on produce.
- (d)—Vestry or church tax.
- (e)—Flying-bridge toll.
- (f)—Commando tax.
- (g)—School money.

Whether, and by what authority the taxes have been introduced?

With respect to the authority on which the above taxes are levied, it is to be remarked that head money was formerly confined to the burghers and inhabitants, but is now levied for Hottentots and slaves above sixteen years, which tax must be paid by the inhabitant with whom such slave or Hottentot lives. This tax of

head money was sanctioned by a letter from government dated 20th November 1812, on the proposition of the landdrost and heemraads of Swellendam, and prescribed at 6 schellings for each inhabitant, and 2½ schellings for every Hottentot and slave above the age of sixteen.

The cattle tax previous to the 20th November 1812 in this district, the same as in all the others, was paid at 1 stiver for each head of black cattle, and 1 guilder or 16 stivers for every hundred sheep; but by the above-mentioned letter of that date, the cattle tax was extended to goats, horses and pigs, and rated as follows:—

	Stiv.
Draught oxen, per head	2
Black cattle, per ditto	1
Saddle or waggon horse	4
Breeding horse	1½
Twenty-five sheep, goats, or pigs	6

Produce.—For this nothing was formerly paid in the country districts; but this tax was also sanctioned by said government's letter of the 20th November 1812, and thus rated:—

	Stiv.
Wheat or rye, per muid	1
Barley or oats, per ditto	1
Wine, per legger	24
Brandy, per ditto	36

Vestry Money.—This tax was introduced by the Commissary-General J. A. de Mist, by a resolution of the 10th December 1803, and consists in the payment of 4 stivers per week for each place, and 2 for each erf; which latter appears to have been prescribed by the landdrost, to whose discretion it was left. This assessment however is limited to the term of ten years, after which it is to be reduced to the half.

Flying-bridge Toll.—For this the landdrost could not produce any authority; in the meantime, however, the nature of this tax brings its authority along with it, namely, for so far as the inhabitants pay for a safe passage over the Breede River, where the Swellendam bridge is placed; and the tax for the same consists in *Rds.* 2. 5 *stz.* per annum for every proprietor of a waggon and team of oxen.

Toll.—There are three turnpikes in the district of Swellendam:—



the first at Hottentots Holland Kloof, the second at the Houwhoek, and the third at the entrance of the village, on both sides.

The toll at Hottentots Holland Kloof was formerly accustomed to be levied at Stellenbosch ; but last year, after the establishment of the deputy drostdyship at Caledon, whereby a part of the district of Stellenbosch was added to Swellendam, the toll went over also to the latter, which may be considered as having taken place by legal authority, from a letter dated 12th November 1813, written by government to the landdrost and heemraads of Swellendam.

For the establishing of a turnpike at the Houwhoek, the landdrost and heemraads of Swellendam have been authorized by the said letter of the 12th November 1813, and to collect the same on a like footing as at Hottentots Holland Kloof, where it is paid at the following rates :—

	Schs.
For a loaded waggon	4
an empty ditto	2
a team	1
a saddle-horse	1

And with regard to the turnpike at both the entrances of the village, the landdrost and heemraads of the district were authorized thereto by government's letter, dated the 8th October 1811, by which it is prescribed that every waggon passing the same shall pay 1 *sch.* ; while, agreeably to the landdrost's statement to the committee, there is actually paid for the latter mentioned tolls :—

	Schs.
For a loaded waggon	4
an empty ditto	2
a team	1
a saddle-horse	$\frac{1}{3}$

Commando Tax.—This tax is authorized by proclamation of the 4th December 1812, and prescribed at the sum of *Rds.* 10,000 for this district.

School Money.—For the levying of this tax the landdrost and heemraads are authorized by government's letter of the 29th January 1813.

In what manner this tax is levied :

The manner of levying, with regard to head money, cattle tax, produce, church money, flying bridge and turnpike tolls, has already been stated in the preceding section. The commando tax

is levied by imposing a tax of three per mil on the property of each inhabitant.

Finally, the school money is formed from a tax on the property of the inhabitants of 3 *sch.* per thousand rix-dollars. In addition to this, the landdrost forwarded the following information to the committee:—"Whenever a tax or imposition is ordered, I make a calculatory estimation of the whole amount of property in the district, by appraising each place according to its value":

	Rds.	sta.
" Each grown up slave . . .	1,000	0
young ditto. . . .	500	0
waggon	100	0
saddle-horse	50	0
mare or colt	35	0
ox	20	0
cow or calf	10	0
wether	1	2
ewe or goat. . . .	1	0
muid of wheat	5	0
barley, oats or rye	3	0
legger of brandy	130	0
legger of wine	20	0

Remarks on the taxes, and manner of levying the same:

With respect to the taxes themselves, it appears to me that the head money on Hottentots, who are in the service of the inhabitants, is an impolitic tax, because although the master is responsible for the payment, it however speaks for itself that he will contrive, either directly or indirectly, that it shall fall on the Hottentot, whereby the latter consequently suffers a diminution in his wages; besides it appears to me to be a hardship, that a Hottentot, who is industrious enough to procure his subsistence by work, should be burthened with a tax, while others who lead an idle and lazy life are free therefrom.

The tax on slaves, especially in the country districts, is in my opinion a burthensome one, because slaves as yet belong to the indispensable requisites of a farmer, and which in themselves constitute an enormous capital, the interest of which, with the maintenance and risk, absorb a considerable portion of what that capital produces.

Cattle considered as produce, as well as the produce of the ground, is with equity subjected to a tax, and constitute just that

source from which all civilized societies derive their revenue for defraying the expenses of the public government. Church money and flying bridge toll, as well as the commando and school money, are also taxes against which there is not any thing to be remarked; neither has any observation occurred to me with respect to the tolls in general, excepting both the turnpikes at the entrance of the village of Swellendam, for which I could not discover any other intention than thereby to assist the finances of the district; but under this supposition I must remark, that this tax appears to me unreasonable, because then a part of the inhabitants contribute to the general burthen, without enjoying the least benefit or convenience for the same. I conceived I could form this supposition safely, because the reparation of the roads in the country districts is made by the inhabitants themselves, without the treasury of the district contributing any thing thereto. Lastly, I take the liberty to remark, with respect to the taxes themselves, that in this district the taxes in general are heavier than in the other country districts, Stellenbosch excepted, which, in this regard, stands equal with Swellendam.

As to the manner of levying, it will appear, from what I have already stated, that there exists the most minute specification in the district of Swellendam, and that no person is deprived of the opportunity of being able to calculate himself what he has to contribute for his quota; but I must nevertheless remark, that for so far as this mode of levy is not sanctioned by the government, (I mean the estimation of each person's real property,) there is something arbitrary in it, which the tranquillity of the colony requires should never be allowed to any magistracy in the country districts, without special authority.

The appraisement of the value of each person's property is an act of the Sovereign power, which even then, when directed by the Sovereign power, or its representative, is looked upon in an unfavourable point of view; but when such is done by an inferior authority, it is then considered as an inquisition, which is more insupportable than the most insupportable tax. Without the special authority of government, therefore, the manner of levying by, as it were, drawing the balance of each person's property, should not continue; and in case such authority may be given thereto, the valuation of perishable articles, which must remain in the possession of the owner at his risk to carry on his business,

should not be fixed at the highest price, as has been done by the landdrost and heemraads regarding the slaves and cattle.

With respect to the mode of levying the bridge toll and church money in this district, it is to be remarked, that since the building of two churches here the tax for the church should be divided, so that the inhabitants of one parish should only contribute to their own church, and not to that to which they do not belong. On the same grounds I also think that the flying-bridge toll should not be levied as a general district tax, because the nature of this tax implies that it should fall the heaviest on those who reap the most advantage, as is at present the case in the district of Stellenbosch with respect to the flying bridge over the Berg River behind the Paarl; and if I am not deceived, every where else, excepting at Swellendam.

Before I proceed to the subject of a following district, it is necessary to remark that I have not brought the contribution of *Rds.* 8 per day for an open waggon, and *Rds.* 2 per day for a saddle-horse for government, for the use of persons travelling on service, under the ordinary taxes, because this contribution is only eventual, and depends on circumstances. I consider it, however, for as far as it exists, occasionally as a real tax, and shall therefore state the same as such in regulating the taxes for each district.

With respect to the furnishing of workmen for the repairs of the public roads, agreeably to the advertisement of the 12th September 1806, and the providing for persons travelling on service, what I have said on this subject respecting the Cape district is also applicable here.

George.

Here the taxes consist in,

- (a)—Head money, as well for the inhabitants as slaves.
- (b)—Tax on cattle.
- (c)—Tax on produce.
- (d)—Church money.
- (e)—Tolls.
- (f)—Commando tax; and
- (g)—Tax on felled timber.

Whether, and by what authority these taxes are levied?

Some of those taxes existed when this district constituted a

part of Swellendam; others are either of its own, or introduced since its separation.

At present the taxes of the district of George can be considered as levied under the following authorities:—Head money, the tax upon cattle, and on the produce of the land, on a letter from government, dated the 9th February 1813, whereby the same regulations, with respect to the inhabitants, slaves, cattle and produce, are prescribed as has been stated of the district of Swellendam.

Church money appears in this district to have been continued after the separation from Swellendam, and must in consequence, after the expiration of the ten years, be reduced to the half.

The toll for loose cattle passing the Attaquas Kloof has been approved of at the proposal of the landdrost, and sanctioned by government's letter of the 20th November 1812.

The commando tax is authorized by proclamation of the 4th December 1812, whereby it is prescribed for the district of George at a sum of *Rds.* 4,000.

The tax on felled timber is sanctioned by the said government's letter of the 20th November 1812, and is prescribed at *Rd.* 1 per waggon load; over and above which, agreeably to the statement of the landdrost, half a dollar must be paid by the inhabitants of Swellendam, who come to cut timber in the forests of George, in order to tend, as the landdrost says, to keep the roads in order.

The manner of assessment:

This, for the three first mentioned taxes of head money, cattle and produce tax, consists in the following sums:—

	Sta.
For every inhabitant, man or woman, above sixteen years .	36
each slave above sixteen.	16
draught ox	2
head of breeding cattle	1
waggon or saddle-horse	4
mare or colt	1½
twenty-five sheep, goats or pigs	6
muid of wheat or rye	1
muid of barley or oats	1
legger of wine	24
legger of brandy	36

The church tax is continued here on the same footing as in the district of Swellendam, namely, *Rds.* 4½ per annum for each place,

and the half for an erf; and it is therefore consequently liable to the same reduction.

The toll for the Attaquas Kloof has been rated in the following manner, by government's letter of the 20th November 1812:—

	Rds.	shs.	sts.
For each waggon and team of oxen . . .	1	0	0
a waggon with horses . . .	0	4	0
each head of cattle, or saddle-horse . . .	0	0	2
a hundred sheep or goats . . .	1	2	0

The commando tax appears to be furnished in this district more through voluntary contribution than by taxation; and

Finally, the tax on felled timber is prescribed by government's letter of the 20th November 1812, at *Rd.* 1 per waggon load, whether the timber be sent to Cape Town, or consumed in the country districts.

Remarks on the taxes, and the manner of levying them:

With respect to the taxes themselves in this district, I have not any thing to remark than what I have already said in regard to the tax on slaves in the district of Swellendam, and to recommend the same consideration which I have suggested as to the latter-mentioned district, as also equitable in the district of George.

On the manner of levy I have neither any thing particular to say, the taxes being authorized by the special orders of government; the only thing arbitrary is the augmentation of half a rix-dollar on the inhabitants of Swellendam for each load of timber, for which however there is some colour, by appropriating the same to the repairs of the roads, but which augmentation, however plausible the reasons may appear, and really be, still it always remains an arbitrary measure, so long as government has not sanctioned the same, which I could not find any proof of.

I am in the like manner obliged to remark, with respect to the commando tax, that the voluntary contribution thereof is admissible, for so far as regards the option of either personally serving or contributing; but it cannot be allowed, after the choice to pay has been decided upon, without giving rise to uncertainty and disproportion, it being very natural that they who are obliged to serve with the commando consult rather the burthen of personal service than their relative abilities to pay; while they who, in consequence of advanced age or other circumstances, are excused

from personal service, avail themselves of this opportunity to contribute as little as possible.

Considering the requisition of relays of cattle and the reparation of the roads not as ordinary taxes of this district, on the same grounds as with respect to the other districts, I shall now proceed to the drostdy of

Graaff Reinet.

Here the taxes consist in,

(a)—Sheep or cattle tax.

(b)—Street tax.

(c)—Pecuniary contributions towards the building of the drostdy, instead of furnishing waggons and workmen.

(d)—Contribution of the villagers for a water bason or tank.

(e)—Church tax.

The authority on which these taxes are levied:

Sheep and cattle tax is the old tax of the country districts, consisting in 16 *st.* for each hundred sheep, and 1 *st.* for a head of black cattle, which in this district is augmented with the half, in order to find the street tax introduced by proclamation of the 5th March 1798, and extended to all the country districts by proclamation of the 7th April of the same year.

The pecuniary contributions for building of the drostdy have been substituted in place of the obligation imposed on the inhabitants of Graaff Reinet, by the Commissary-General J. A. de Mist, to furnish in turn waggons, workmen, &c. for the building of the drostdy; instead of which the inhabitants have engaged to pay a contribution in money, consisting in not less than 4 *sk.* a man, and for holders of places not exceeding *Rds.* 4 per annum.

The contribution for the water tank or dam is confined to the village, and consists in a contribution of from *Rds.* 4 to 5 for every housekeeper, for which there does not appear to exist any other authority than necessity to preserve the possessions of the villagers from being overflowed. In case the contribution be not sufficient for the purpose, the deficiency is supplied from the treasuries of the district and vestry in proportion.

For the levying of the church tax, the landdrost and heem-raads are authorised by letter from government of the 12th March 1812, till further orders.

The manner of assessment :

This has already been stated in the preceding section, with the exception of the church tax, which the landdrost states to consist in 4 *st.* per week, or *Rds.* 4½ per annum for each place, and a half per cent on the sale and transfer of all immoveable property; for which latter, however, I do not find any special authority, unless the same may be contained in the faculty given to the landdrost by said resolution of the Commissary-General J. A. de Mist, dated the 10th December 1803, namely, to tax those who do not possess any places in another manner, and which was forwarded by the landdrost and heemraads, with the above-mentioned letter of the 12th March 1812, for their guidance.

Remarks on the taxes, and manner of assessment:

As to the sheep and cattle tax, I have only to observe, that those contributions are very moderate. With respect to the street tax, the remarks already made are applicable, namely, that the street tax being appropriated to the erection of buildings remains very improperly stamped with that title, and which name, if it were only for the regularity, should be altered and converted from an extraordinary, which it is, into an ordinary tax. This last remark is also applicable to the pecuniary contributions, instead of the furnishing waggons, &c. for the buildings of the drostdy, whenever the same shall be completed.

The expense requisite for the dam and watercourse of the village could very properly be defrayed, in my opinion, out of the general revenue of the district, because it tends to the preservation of the capital of the same; whereby then the church or chest of the poor, who are improperly obliged to contribute to the dam and watercourse, could be relieved from this burthen.

With respect to the church tax, there is not any thing else to be said than that it is a reasonable one, for so far as it is borne by those who belong to the parish of the church in each district, which is the case in this district, where there is but one church.

This is sufficient with regard to the manner of assessment in the district of Graaff Reinet, where on the ensuing opgaaf, according to the information given by the landdrost, there is to be a personal tax levied, with the approbation of government, of not less than 2 *sk.* or more than 6 *sk.*, in order therefore to find the indemnification which is prescribed by proclamation of the 12th March 1813, for waggons, &c. to be furnished on the requisition of persons

employed in the public service; on which point it is to be remarked, that this assessment need not be incessantly continued, because that the remuneration for such waggons depends on the requisition which only eventually takes place.

Uitenhage.

In this district, there are not any other taxes than the following; viz.

(a)—Sheep and cattle tax.

(b)—Street tax, also called head or street money.

(c)—Church tax.

The authority for these taxes :

The cattle tax has been levied from time immemorial, and for which some authority will certainly be found in the of this colony.

The street tax also, however, by that name, at Uitenhage, cannot have any other authority than the proclamations of the 5th of March and 7th April 1798, by which the street was introduced and extended over the whole colony.

The authority for the church tax is founded on a letter from government dated the 12th March 1812, by which a resolution of the Commissary-General J. A. de Mist, dated 10th September 1803, taken with respect to the district of Swellendam, was also carried into effect in the district of Uitenhage.

The manner of assessment :

This, with respect to the tax on sheep and black cattle, consists in 16 *sts.* for every hundred sheep, and 1 *st.* for each head of cattle. The street tax, the same as at Graaff Reinet, consists in the augmentation of half of the cattle tax, while the church tax simply consists in *Rds.* 4½ for each loan place.

Remarks on the taxes and the mode of levying them :

There is not any thing to be observed on the taxes in this district, than they are very moderate; a thing which, under the turbulent circumstances Graaff Reinet is placed, in consequence of the Caffre war, must prove very consolatory to the inhabitants; although, in my opinion, the same circumstances rendering a continual communication with Cape Town, and the keeping of a considerable number of troops on the frontier absolutely necessary, in the end the civilization and prosperity of this district, as well

as that of Graaff Reinet, will be found to have been promoted by those very circumstances.

The manner of assessing is not only very simple, but besides so regular, that there is not any thing to be remarked on the same, it not being as yet prescribed, at least for as far as I know, in what manner the contribution for the requisition of waggons, &c. shall be found, in order to comply with the proclamation of the 12th March enacted on that head.

Having thus far treated on the present state of the special taxes levied in each district, I shall now proceed to examine,—

In what the taxes of the several districts agree, and in what they differ from one another.

From the description given of the taxes of each district, it will appear that head money, otherwise called “lion and tiger money” is the oldest tax in this colony; that in Cape Town, this tax is rated with respect to those who possess property according to their means, and others at a fixed sum; that in the first established country district, namely Stellenbosch, which at that time constituted all the country districts excepting the Cape district, the head money was included in the cattle tax, while those who had not any cattle paid a certain sum per head. This, however, by degrees assumed another form in the other country districts after their separation; at Stellenbosch even the taxes are all blended together in one round sum, so that it is impossible to distinguish what is paid in this district for each item of tax. At Graaff Reinet and Uitenhage, it is true that the cattle tax is levied on the old footing, but no mention is made of head money in the former, and in the latter it is said, that head money is comprehended in the augmentation of the half of the cattle tax, which augmentation at Graaff Reinet is however entirely as street tax.

In the district of Tulbagh, the head money is separately rated at Rds. $2\frac{1}{2}$ per head, and over and above, 4 sk. for every hundred sheep and goats, and 1 st. for each head of black cattle.

In the district of Swellendam the head money is 6 sks. for each inhabitant, and for a slave or Hottentot in service $2\frac{2}{3}$ sks. besides a tax, not only on sheep and black cattle, but also on pigs and goats.

The same is the case in the district of George, but here however there is not any thing paid for Hottentots.

It is much the same with the tax on produce, namely, on grain, wine and brandy, on which a tax is laid in the districts of Swellendam and of George, but for which there is not paid any thing elsewhere on behalf of the district.

Street tax is not levied in the first-mentioned district, in all the other districts it is levied, but for other special purposes.

In Cape Town and district only is the street tax levied for the original purpose for which it is intended.

With respect to the church tax, there is also but little conformity. In town, the Cape district, Stellenbosch and Tulbagh, this tax does not at all exist. At Swellendam it must be reduced this year to the half, and in the districts of Graaff Reinet, Uitenhage and George this tax is but just commenced.

Hearth money, market toll, and contribution for the water-pipes, and special taxes of the town, solely belong to itself, and for as yet not applicable to the country districts. In the same manner, flying bridge, kloof and turnpike tolls, in the districts of Stellenbosch, Tulbagh, Swellendam and George; the tax on each waggon load of timber in the latter, and the contribution for the building of the drostdy and for the repairs of the water-dam at Graaff Reinet, are all taxes peculiar to each district, and consequently do not admit of general conformity or difference. It is only to be remarked with respect to the flying-bridge toll, that in the district of Stellenbosch it is paid by those alone who make use of the flying-bridge; and that in the district of Swellendam a general tax is levied for the same, whereby those who never pass the Breede River are still obliged to contribute for the passages.

With regard to the market toll, I have had some doubt whether the same should be considered as a tax on the inhabitants of the town, or on the public in general; but I have conceived rather to place it among the town taxes, because it is the inhabitants who in fact contribute; should any other person think differently, I very willingly submit my opinion, as I only for the sake of regularity conceive that this tax should be placed where it is in reality felt.

The school tax is a thing which has not yet attained sufficient consistence in the country districts to place the same in a comparative point of view; this tax, however, on a restoration of regularity, for which purpose his Excellency has directed this investigation, will of itself get on a regular footing.

These constitute all the special taxes of the town and country districts (excepting the commando) which I have never treated on, and compared together. The answer respecting the agreement or difference of those special taxes is very clear, namely, that there is not any proportion or equality in the measure of taxation in this colony; that with the exception only of the extraordinary assessment for the commando tax, there are not any two districts to be found in which the taxes agree, and that the existing difference is of so much consequence that government has justly considered this subject a principal point of its care to bring these special taxes on a more regular footing than they at present exist, and are levied in the country districts.

This naturally leads the committee to inquire, what are the means by which the taxes in the several districts can be brought on an equal, regular and proportionable footing.

It is necessary on this occasion previously to remark, that we do not treat here of taxes in general, but only of the special taxes, from which the expenses of the internal administration of each district must be defrayed. This observation leads to remark, that not every thing which yields a subject for taxation must be necessarily burthened, in stating the means required, but that we must confine ourselves to those means which are more in particular connected with the internal government of each district, leaving those objects which probably could be more eligibly taxed on behalf of the colonial revenue in general than of any particular district for as yet out of our consideration and unburthened.

Another previous remark is this, that the relative means of the several districts are different, and consequently the taxes of each should be so regulated that the same fall on those articles which constitute the means of the same.

In Cape Town there is no produce, no cattle on which any tax can be laid; the chief riches of some of the districts consist in cattle, and others again in produce. When, under these circumstances, we look after the means to make the taxes agree, and equal in the different districts, we should then adopt such principles for the basis on which the respective magistrates can confidently found their regulations, and on which every individual can compare the burthen laid on himself with that laid on his neighbour, so that the necessity of the tax being admitted the proportionable equality should follow of itself, and not be placed

at the discretion or in the power of any magistrate, and those principles should be adapted to the different objects of taxation.

In Cape Town the following taxes can, in my opinion, be continued on the present footing:—

Hearth money, for which every house and store is taxed at 3 *shs.* per month, or *Rds.* 4½ per annum; this tax is especially destined to defray the expense of the watchmen, and should therefore continue so separated, in order thereby, on the further enlargement of the town, to be enabled to find in a regular manner the further consequent expense of that branch of the police.

The market toll, which is rated agreeably to a regular tariff. This tax falls on the consumers, and is therefore one of the best town taxes; and the contribution for the water-pipes, the proportion of which, in my opinion, is very well regulated, and can be increased or diminished without any fear of confusion, if necessary, according as circumstances may require.

But the common taxes at present, by the title of ordinary tax, street tax and extraordinary assessment, from which the still deficient expenses of the town must be defrayed, should in my opinion be brought by the burgher senate to a greater degree of regularity and order, and instead of the general way of taxing each person according to his apparent property and income, which has been hitherto in use, the burgher senate should be directed to form a schedule or specification of the different amounts of income, and to class the inhabitants according thereto; which specification, of which a Form is hereunto annexed, should be promulgated to the public, in order that every person who might conceive himself aggrieved could have an opportunity of addressing the burgher senate or any other authority, and to show that he did not belong to that class under which the burgher senate had ranked him. And to prevent any improper use being made of this measure at the primitive introduction of it, the burgher senate should be ordered to form a plan, and submit the same to the approbation of government, whereby, pursuant to such classification as is prescribed in the annexed Form, may be found the same sum which at present is assessed and received under the names of *ordinary tax*, *street tax* and *extraordinary assessment*.

It appears to me that this manner of assessment is much less

arbitrary, and will fall much more equally on the contributors, than that which has hitherto been observed by the burgher senate; it is, I conceive, a great deal easier to estimate a man's income than his property, the latter is in most cases involved in obscurity, but the former is more or less visible from external circumstances.

The mode I here propose is, I acknowledge, not to be effected without trouble, but certain it is that it removes the disproportion which resides in the present manner of taxation, by which often a man possessing a million does not contribute more than a man whose whole property is buried with him when he dies.

For the rest, the proposed classification, when it could be regularly established, would serve as a rule for extraordinary assessments, so as to proceed therein without running the risk of unequal proportion, for example: the commando tax in Cape Town cannot be on a more regular footing than by making every one contribute thereto in proportion to his income.

This is enough with respect to Cape Town (under which Simon's Town remained and is still included on the separation of the Cape district), which, as well with respect to its means as to the expenses of its internal administration, is entirely different both from the Cape district as well as from all the country districts; respecting which, the means of income consequently require other principles to be adopted.

"Each district should bear the costs of its own internal administration;" this is pretty generally allowed, and bears at first sight all the marks of equity. But when we take into consideration, that on the division of the several districts no view was taken of the means of those who were to be settled as inhabitants within the boundaries of each district, and that thereby a great disproportion has been caused between the means and expenses of the administration of such district, without however any adequate reciprocal advantage being brought by the separation unto that district where the means are less, and the contribution on the above principle should be higher; I say, when all this is taken into consideration, then I cannot conceive that that principle loses its first appearance of equity, and we are obliged to allow that there exists rather an inequality in the payment of taxes, which in the same country, under the enjoyment of the same advantages, does no more seem to have a claim to the name of

equity. This remark is founded alone on the unalterable nature of the case, without even mentioning the difference in the several districts, in which last respect the magistrates of the districts sometimes trouble themselves very little about the property of those who are to contribute towards that expense.

For as far as I am allowed to give my opinion, I should therefore rather lay it down as a principle, that the several country districts should be considered as parts of one whole, in which all the inhabitants enjoy the same advantages, and therefore should be subjected to the same burthens, with the exception only of such local taxes as must serve to produce local advantages in any particular district; and if the means were not found proportionable to the necessary expenses, then the deficiency should form a point of general consideration for government, without adopting it as an axiom, "that the expenses being made for a certain part of the colony, say, for example, George, *ergo*, only the inhabitants whose places accidentally have fallen within the circle of that district should pay those expenses, however high they might amount to."

I do not deny that the first principle, namely, that "each district should defray the expense of its own internal government," has obtained such a strong hold with the public here, that the inhabitants of one district would consider it as a hardship when what they contributed for the costs of their own district was employed to defray the expenses of another; but this rests on a principle of mere self-interest, and will therefore on investigation be found to be confined to the richer districts, consequently I do not see any reason why government should allow themselves to be influenced by it in their measures; nor do I find in those ideas of the inhabitants of some of the districts, sufficient grounds to give up my opinion of the necessity of a general equality in the common taxes of the districts.

I shall neither deny, that although there at present exists a great simplicity in the produce of the country districts, which (besides some articles of lesser consequence) consists in grain, cattle, wine, wool and timber, yet from the local opportunity and other circumstances of each district, some of them are now capable of a higher degree of future improvement than others, and in this case I think it would be reasonable that the inhabitants of those districts where the prosperity is greater, should also in proportion contribute more than other districts; but for as far as this greater

contribution may exceed the expenses of the administration of such district, I in such case do not see any reason why that overplus should not be appropriated on behalf of the country districts in general.

In the meantime, I believe that whether each district be taxed for its own expense, or whether the taxes are levied on a more general footing throughout the whole colony, and some particular regulations made respecting the overplus in some and the deficiency in others, yet no difference can thereby be occasioned in the objects of tax, and that at all events it can be safely adopted as a principle, that the following articles may be considered as objects of tax in the country districts throughout the whole colony:—

Black cattle.	Wheat.	Wine.
Horses.	Rye.	Brandy.
Sheep.	Barley.	
Goats.	Oats.	
Pigs.		

All these are actually produce; and on a general taxation of all the same, rated according to the annexed Tariff, they cannot be considered as further burthened than for a part of the yearly produce, without affecting the capital required to yield that produce, and without absorbing such part of the same, that the expenses and a reasonable profit would not remain for the labourer.

I have not placed Hottentots or slaves among the objects of taxation, not only for the reasons which I have stated in speaking of the district of Swellendam, as particularly with respect to slaves, but also in case they might be considered as liable to taxation, because then, in my opinion, they seem rather to be objects of a general colonial tax than of a particular district one.

But with respect to the inhabitants themselves, I do not see any reason why all of them who have attained the age of sixteen years should not pay head money, which could be very properly fixed at *Rds.* 2½ per head; and for so far as any of the inhabitants of the country districts may not have either place or cattle, or, besides such property, have any other income, whether from the interest of money or from other resources, I conceive it would be but reasonable that such person should contribute in like proportion as those in town to the general taxes, agreeably to the annexed Tariff.

This taxation added to the head money, and to the proceeds of

the cattle and produce tax, should constitute the usual income of each district, wherefrom the usual yearly expenses should be defrayed.

In such districts where that may be insufficient, the tax on each or some of the prescribed articles should, with the approbation of government (in case the principle that "each district should bear its own expenses" be admitted), be proportionably augmented *pro tempore*.

And should the taxes in the country districts be considered as belonging to one body, in such case other means should be adopted, whereby the deficiency of the one district should not cause any alteration in the equality of the taxes in the others.

In case the proposed manner of general taxation be approved of, it can serve not only, as has been already said, always to observe a regular proportion when the ordinary expenses require any augmentation, but it can also serve as a rule, should extraordinary taxes be necessary, for which there does not exist any special and more adequate means, as in the case with the commando tax, in order to effect a due equality in the assessing of such extraordinary taxes; while besides, by the proposed manner of taxation, this advantage will be derived, that government will be always enabled to judge how far those taxes press upon the inhabitants, and whether they absorb more income than is consistent with the public interest of the colony, namely, the progress and promotion of industry.

In the meantime, there exist in the country districts, besides the ordinary and extraordinary taxes, other taxes, which are peculiar to the districts separately; viz.

- 1.—Church tax.
- 2.—Turnpike tolls.
- 3.—Flying-bridge ditto.
- 4.—Tax on timber.

The first is levied in the districts of Swellendam, George, Graaff Reinet and Tulbagh; the second and third, Stellenbosch, Tulbagh, Swellendam and George, and the fourth in the district of George only.

The church tax, introduced by the Commissary-General de Mist is in my opinion a regular and proportionable one, provided that the proceeds thereof be appropriated to the church to which the contributors belong. In the continuance of this tax, as long as

the church is not discharged from all its debts, I do not see for my part the least objection. I should alone recommend this continuation on an equal footing, by laying a contribution on the places and erfs.

The tolls can continue in my opinion, provided the proceeds thereof are appropriated to the repairs and improvement of the roads, and consequently those who contribute thereto get value received for their contributions. This is specially applicable to the tolls at both the entrances of the village of Swellendam, which otherwise would be a great hardship on the contributors.

The flying-bridge toll is also not irregular, excepting only for so far as the same, as at Swellendam, is levied as a general tax of the district; for what purpose is this irregularity, whilst there are regular sources? In the districts of Stellenbosch and Tulbagh, the same manner of levy was observed formerly, but the continual complaints of the public at last brought the bridge tolls within the bounds of reason, so that at present no person pays this toll than those who are obliged to pass the bridge.

The tax on timber I conceive to be very applicable and proper. The sum of 1 rix-dollar for George, and 1½ for other districts, is reasonable; and the object of this tax, namely to keep the roads in repair, is a judicious one.

Besides the *ordinary, extraordinary* and *local taxes* above stated, there are the following also in the country districts; viz.

1.—Requisition for waggons, cattle, &c. for persons travelling on service.

2.—School tax.

3.—Furnishing of people, waggons, &c. for the repairs of the public roads.

4.—Pecuniary contributions at Graaff Reinet for building the drostdy.

5.—Subscription for keeping the water-dam there in order.

With respect to the first of these, it is provided for by proclamation of the 12th March 1813, whereby it is enacted "that the landdrost and heemraads shall at the annual opgaaf and levying of district taxes, pay such person or persons, who have furnished horses or waggons, a fair and reasonable compensation, and collect the amount of such payments from the inhabitants of the district at large, in addition to the other taxes."

From this regulation it follows, that landdrost and heemraads

must first pay, or at least take an account of what they have to pay, for horses and waggon required to the time of the opgaaf, and that the amount of such payments, and not any more, must be levied with the other taxes on the whole district. This, in case the tax itself be admitted as reasonable, is regular, and effects a general equality in each district. In the districts of Swellendam and Graaff Reinet, this has been so far deviated from, that a general and fixed assessment has been prescribed for the whole district, whereby a casual tax has been imperceptibly converted into an ordinary one.

This manner of levy is therefore in my opinion irregular, and should give place to that which is prescribed by said proclamation of the 12th March 1813.

The school tax in my opinion belongs to the common taxes of each district, and must be defrayed from the revenue of the same without creating any special tax for that purpose, in the same manner as the 5th at Graaff Reinet, which it appears to me more regular should be ranked among the ordinary district taxes, while the tax No. 4. could with propriety cease now that the buildings are completed.

The roads which are at present repaired by the neighbouring inhabitants furnishing workmen, implements, &c. will in my opinion, as the population increases, be necessarily brought on a more regular footing by pecuniary contributions. From time to time tolls will be established in different parts of the colony to collect those contributions, in some parts it will be effected earlier, in others later, and therefore with respect to roads, I am of opinion, that there is not any thing else to be done than to let the business remain as yet on its present footing, especially as the proposed state of things forbids the recommending of a general tax, the advantages derived from which would only be enjoyed by one particular part.

These are my opinions on the sixth point, namely, the means to correct the mode of taxation; should my measures for redress be approved of, the taxes for Cape Town and the different country districts will consist as follow:—

Cape Town.

(a)—Hearth money.

(b)—Ordinary taxes, rated according to the income of each.

(c)—Market toll.

(d)—Laying and keeping in order the water-pipes.

(e)—Commando tax; of which the 1st, 2nd & 4th are levied in Simon's Town, as belonging to Cape Town.

In the Country Districts.

(a)—Head money.

(b)—Cattle tax.

(c)—Tax on produce.

(d)—Commando tax.

(e)—The contributions for required waggons, horses, &c.

These taxes should, according to my proposed plan, be levied in all the country districts without exception, the commando tax, however, to be understood to continue so long as the commandos may be requisite; and the contributions for waggons, &c. required only when and for so far as such requisition was really effected. In addition to these general district taxes, the local taxes peculiar to some of the districts could also be levied in each of the same; namely, *church tax* at Swellendam, George, Graaff Reinet and Uitenhage; *toll* at Swellendam and George; *flying-bridge toll* at Stellenbosch and Swellendam; *tax on each waggon load of timber* at George; while the school tax need not appear under the name of a separate tax, but could be very properly calculated under the usual yearly expenses of each district, and might be defrayed from the ordinary taxes. A measure which could also be put into execution at Graaff Reinet, with respect to the keeping in order of the water-dam there.

By comparing this recapitulation, whereby all the taxes in this colony are placed in one point of view, with the annexed documents, it will appear that more conformity, regularity and proportional equality will be effected by the proposed regulations, both in the taxes of Cape Town and in those of the country districts; provided that those regulations, for as far as they may meet with the approbation of his Excellency the Governor, are promulgated to the public by a Government proclamation, and thereby obtain that sanction from the supreme power, without which, for my part, I believe that all taxes in this colony may be considered as illegal, and most certainly can never escape the appearance of being arbitrary in the inferior magistrates.

In the framing of such proclamation, all the taxes which were to cease should be made known therein; and in case the amount of the same might still be necessary to defray the costs, other taxes, as assessments, publicly substituted in their stead, whereby the measure of taxation would obtain a degree of public confidence, which it at present does not possess in this colony.

But of what service is regularity, conformity and equality in the taxes imposed; what utility can the sanction of government produce, when the confidence is not endeavoured to be imprinted on the minds of those who must bear the taxes, that they are really applied to the public good; and consequently, in effect, must become productive of the advantages of the contributors themselves? This leads me to the financial administration of the country districts, on which point I shall take the liberty to make some remarks, accompanied with such measures as, added to those already existing, would in my humble opinion tend to establish a greater degree of certainty and confidence in all the interested parties.

During the proceedings of the committee, it was sometimes necessary to have recourse to the yearly accounts of the different districts, and especially to those of 1812; on this occasion it appeared to me, that a great degree of arbitrary conduct reigned in those accounts, and that one district was burthened with a great many more taxes, under the title of ordinary expenses, than others, to procure which the taxes were augmented in a like arbitrary manner.

I am obliged to confine myself to this general remark, because those accounts not being supported by the necessary vouchers, and also not being submitted to the examination and judgment of the committee, I consider myself both unable and unqualified to enter into any details on the subject; for my task it is sufficient to say, that from a superficial view of those accounts, it immediately appeared that the financial direction of the country districts is very deficient. Of this I shall give a single example:—

In the 118th article of the Instructions for the government of the country districts, dated the 24th October 1805, of which an extract is hereunto annexed, the heads under which the different items of income and expenditure must be placed in the accounts of the districts are prescribed. This is pretty well observed in the accounts, but the debits charged under each of those heads differ

recommended to take the most special care not to deviate from their instructions, especially with regard to the financial direction of their districts, as prescribed in articles 115, 116, 117, 118, 119, 120, 122, 123 and 124, and which are very well adapted to promote regularity in the financial department of the country districts; but which, if we are to judge from the above-mentioned arbitrary manner of account, seem not to be properly attended to.

In addition to this, I should finally recommend that when, agreeably to the 123rd article, the districts accounts are at the beginning of each year sent into government, they should be all published in the Weekly Gazette, for public information, in order to afford every one an opportunity, should he consider himself aggrieved thereby, to address the landdrost and heemraads of his district, or if necessary, even his Excellency the Governor; which measure, I am of opinion, would be equally as useful in Cape Town as in the country districts.

Herewith I conceive I have completed my task, on which subject I only request to be allowed conclusively to remark, that the confusion which I have met with in the administration of the country districts has sometimes so clouded me in this work, that I have felt a degree of diffidence which obliged me to proceed by slow and cautious steps, so as not to increase the danger of error, to which I found myself exposed by using more celerity. Nay, I still consider my work susceptible of further elucidation, which perhaps I could effect by a deliberate review of the same; but not daring to take the necessary time for that purpose, without procrastinating the Report of the committee, which has been already long expected, nothing remains for me than to submit my work to the better judgment of my colleagues in this committee, and ultimately to the wisdom of his Excellency the Governor; the repaying of whose confidence has been my earnest wish in the progress of this Report.

(Signed) J. A. TRUTER.

CAPE TOWN, 16th February 1814.

Memorandum by SIR JOHN CRADOCK.

22nd March 1814.

It is with the highest satisfaction I return to office the letter of the 8th instant, from the committee upon local taxation,

and the Report from the Chief Justice upon this important subject.

In the name of the British as well as Colonial government I return my best acknowledgments to the gentlemen who composed this committee, for the industry and ability they have displayed ; and the unwearied exertions of the Chief Justice Mr. Truter, who has produced so perspicuous a statement of the various concerns of local taxation throughout the districts, from amidst a heap of such diversified and discordant materials, and which will lead to a fair and satisfactory adjustment, entitle him to the admiration and gratitude not only of his contemporaries, but the future generation.

I conceive that the best method to fulfil the suggestions proposed by the committee in their Report, is to throw the whole into the form of a general proclamation, which will place every thing in future upon an assured foundation, and at the same time remove all the past pretexts for dissatisfaction, by publicity and universal knowledge of the impositions to which the people, under the supreme authority alone of government, are subject.

I annex the preamble of the proposed proclamation, and the several points that are to be introduced therein ; and for its completion and publication without any loss of time, I shall anxiously request the further assistance of Mr. Alexander.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from LORD BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 18th February 1814.

MY LORD,—I have had the honor of laying before The Prince Regent the Dispatches of your Predecessor as specified in the Margin ; and as there is every reason to believe that Sir John Cradock will have left the Colony previous to the arrival of this Dispatch, I have to signify to you His Royal Highness's Commands on those points on which Instructions are required.

The most important information contained in those Dispatches is that which relates to the granting of Lands and the exchange of the Loan Leases.

His Royal Highness entirely approves the general Principle

upon which Sir John Cradock has proceeded and the Regulations which he has laid down upon the subject, and has commanded me to instruct you in no instance to deviate from these Regulations without previous and specific authority from Home.

It appears highly questionable whether some Clause should not be introduced into all future Grants with the view of ensuring the Cultivation of the Soil within a limited period, and although the payment of an annual Quit Rent may, if the amount of it be considerable, sufficiently ensure this Object, yet in the absence of any information on that point I am inclined to recommend that the validity of the Grant should be made absolutely to depend upon the improvement of the Land granted. At all events I have to request, with a view of enabling me to decide this Question, that you would transmit to me an account of the Rate of Quit Rent demanded per Acre on the Lands granted by Sir John Cradock.

I have further to instruct you to make an annual Communication of the extent of the Grants which you may make, and of the Persons to whom they have been made; and to acquaint you that no Grant will be considered as valid unless it shall have been so communicated, and shall have received the approbation and Confirmation of His Royal Highness.

I have transmitted, for the information of the Lords Commissioners of the Admiralty, the Dispatch containing Sir John Cradock's Correspondence with Commissioner Dundas on the Subject of the Officers' Mess House at Simon's Town. I have, etc.

(Signed) BATHURST.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *February 20th 1814.*

MY LORD,—I have the honor to forward to your Lordship an address from Mr. De Lettre, praying the mitigation of a Fine imposed upon him, amounting to Twelve Thousand Rix dollars, for receiving Five Slaves from the Island of Mauritius, brought

here by their masters, and disposing of them afterwards, either on their or his own account.

It appears that the offence and sentence proceed from the Infringement of the Dutch Laws (which prohibit the Introduction of any Slave into the Colony without the express License of Government), and not from the violation of any late Act of Parliament, under which there would have been some difficulty to try Mr. De Lettre; and if even he had been found guilty, from the limited nature of the misdemeanor would not have subjected him to so considerable a penalty.

However strongly Mr. De Lettre has represented his case to your Lordship, I cannot take upon myself to confirm his assertions of Ignorance, as I think it to be almost impossible that he should not know he was acting against the Laws of the Colony.

All that can be urged in his favor is Commiseration and the apprehension that the Exaction of the Fine will ruin him and a numerous Family.

Whatever may be the Event of your Lordship's determination, he will at least gain this part of his Petition, that the period of payment has been protracted.

I have only to add that Mr. De Lettre is a Frenchman, but has been settled here for many years, and is married to a Dutch Lady. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Memorandum by SIR JOHN CRADOCK.

1st March 1814.

I transmit to office the letter received from Mr. Buissinne, Landdrost of Swellendam, in answer to one from me wherein I requested that he would consider upon the best method of enlarging the grounds hitherto allotted to the Missionary Establishment at Baviaans Kloof.

Every body speaks so well of this Society, and all the Community seem interested in their welfare and comfort, and having myself witnessed a degree of industry and good order quite superior to the case of all the other Missionary Institutions, that

I am forward to declare my wishes to assist and better establish them in every practicable degree.

I have reason to know, that from the general circumstances of Europe this Society has lost almost all the pecuniary support they used to receive from abroad, and that they are now left altogether to their own means and exertions, and it therefore appears incumbent upon the Government to sustain an Establishment so long resident, and who, notwithstanding the great difficulties and disinclination they laboured against at first, have gained the affections of the surrounding Inhabitants to that degree that all the Farmers and their Families attend their place of worship and shew the greatest readiness to assist them in many of the little offices of life.

It appears to me, however, that in the Propositions for their advantage now laid before Government too much land is granted, and also that the arrangements with the contiguous proprietors are somewhat improvident, and not sufficiently ascertained.

But I am to request that Mr. Alexander will consider all these points, and bring the matter to a conclusion in the manner he shall think best for Government and the Institution.

I am also to beg that when the allotment shall be settled, that Mr. Alexander will write to the Directors of the Institution to still further stimulate them to the employment of all the persons, female as well as male, and to declare that this accession is granted to them upon the faith of their determined industry and use in the community at large.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it was notified by the Proclamation of the 14th June, 1810, that the capital of the Lombard Bank should be augmented by 1,000,000 Rds. at such periods as should be thereafter deemed most adviseable: And whereas it appears to me to be expedient, in addition to the sum of 900,000 Rds. issued to the Directors of the said Bank on the 14th June 1810, 15th January and 27th October 1812, 21st January and 23rd August 1813, to make a

further and *last advance* to them of 100,000 Rds. in aid and for the special purpose of carrying on the various Civil Buildings and other great improvements in Cape Town, and throughout the Settlement.

These are therefore to order and direct, in virtue of the Power and Authority by His Majesty in me vested, that the Secretary of the Court of Justice do, on Tuesday the 8th instant, attend at the Colonial Secretary's Office, where, on application to the Colonial Secretary (in whose custody they are) he will receive the Stamps, together with the quantity of Cartoon necessary for the purpose, and that he do, in the presence of the Fiscal and two Members of the Court of Justice, who are hereby required

at the usual place, and in the usual manner, cause the number of 200 ps. of 500 Rds. the backs of which are yellow to be stamped; which pieces, when so stamped, are to be delivered by the Fiscal and Members of the Court of Justice aforesaid to the Colonial Secretary, to whom they are also at the same time to return the Stamps; which Stamps, being replaced in the Box in which they are usually kept, the Box shall be sealed with my Seal, and with that of the Court of Justice, so to remain until further wanted; of all of which the Fiscal and Members of the Court of Justice are to make a Public Act of Certification, in the presence of the Court, on the next Court day, to be registered in the Records of the Court.

And it is further directed, that such stamped Pieces (being regularly marked and numbered) and the value of each Piece with the date duly printed thereon, shall be signed by Major Munro, Messrs. C. Matthiessen, and J. W. Stoll.

And it is also further directed, that such Money, so stamped and signed, do remain in the custody of His Majesty's Receiver General, until report be made of its being finished; when such further orders shall be given as may be expedient; and for the several matters herein mentioned, this shall be to all concerned a full and sufficient Warrant; and, for the public information and satisfaction, it is further directed that it be published and affixed in the manner usual with all other Proclamations.

God Save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 4th day of March 1814.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it appears necessary to me to place the repayment of the several sums of money advanced by the Lombard Bank from the capital of 500,000 Rds. (the moiety of the 1,000,000 Rds. adverted to in the foregoing Proclamation of this date,) allotted to the erection of civil buildings and the execution of other required improvements throughout the Colony upon an assured and permanent foundation.

And whereas upon the further and most extensive consideration of the whole subject, it appears to me advisable to determine and make known that all successive repayments, in any shape as they shall arise, and which will be duly urged to the utmost ability of all parties concerned, when paid into the Lombard Bank, should be immediately destroyed and carried to the account of annihilation of the said 500,000 Rds. created for those purposes alone.

And whereas to accomplish this important and desired end with as much expedition as is suitable to the case, in consequence of some portion of the public buildings being from their nature unproductive, I deem it expedient to dedicate to the same design all the future interest upon the first 500,000 Rds. added to the funds of the Lombard Bank by the Proclamation of the 14th June, 1810, which interest money will also be successively destroyed, until the entire sum of 500,000 Rds. created for civil buildings, etc., be entirely effaced from the circulation.

In pursuance therefore of the above intentions, calculated to inspire the utmost confidence in the paternal vigilance of His Majesty's Government over the future as well as present interests of the Colony, I hereby direct and order, as the immediate instance within the power of the Colonial Government, that the first instalment of 15,000 Rds. recently paid by the Burgher Senate on account of the waterworks, should be publicly destroyed and erased from circulation.

These are therefore to require and direct, that D. Denyssen, Esq., His Majesty's Fiscal, R. Rogerson, Esq., Assistant Commissary General, together with two members of the Court of Justice and two members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the office of Revenue in

the Castle, on Monday morning the 14th instant, at 10 o'clock, and that they do then and there receive from F. Dashwood, Esq., His Majesty's Receiver General, the above-mentioned sum of 15,000 Rds., and after examining the same, that they do in their presence in the Court-Yard of the Castle aforesaid, cause the same to be publicly burnt and destroyed; and in case the examination of the several pieces of money which constitute the above sum of 15,000 Rds. cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible.

And it is further directed that the several persons above-mentioned do sign two certificates of their proceedings herein in the English and Dutch languages, to be drawn up and prepared by Mr. H. F. W. Maynier, clerk in the Colonial Secretary's Office, (assisted by the sworn translator to the Government) under the direction of the Fiscal, one of which certificates is to be delivered to F. Dashwood, Esq., as his discharge of the sum of 15,000 Rds. with which he now stands charged to His Majesty, and the other is to be lodged in the records of the Court of Justice by the Fiscal and the members thereunto belonging, at the next meeting after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within fourteen days after the lodging of such certificate above-mentioned, that they do pass a Public Act under their Hand and Seal of the Court, certifying and declaring all their proceedings, which have been held and have taken place with regard to the destroying of said sum of 15,000 Rds., annexing to or including in such their act, authentic copies of the several certificates lodged, as directed in their records, which Public Act is to be presented to me, to be disposed of in such manner as I may think expedient for the satisfaction of His Majesty in the premises.

And whereas it also appears just and expedient, that the civil buildings in Cape Town, executed through the means of the 500,000 Rds. lately created, should be hypothecated to the general paper currency, without adverting to the periods of creation, I hereby further declare that the said buildings are to be considered as so hypothecated.

But that the buildings and other works throughout the districts,

and for which there will be a more specific taxation, should remain the public property of those districts, at the future direction of Government.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 4th day of March, 1814.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it appears that in the year 1804 a sum of 75,000 Rds. was created and advanced by the Batavian Government, to the inhabitants of Stellenbosch, for the special purpose to repair the damages occasioned by a fire in that village, and which money was to be repaid by instalments of 3,000 Rds. per annum; and whereas according to a Proclamation of the Governor and Council of the 30th September 1804, such sums were to be publicly destroyed.

Whereas therefore, to fulfil the resolutions of the former Government, and to observe with the most scrupulous faith all provisions respecting the Paper Currency of this Colony, I hereby direct and command, that all instalments hitherto accrued, to the amount of 24,000 Rds., should be publicly destroyed, and that the same should continue annually till the whole sum of 75,000 Rds. be expunged from circulation.

These are therefore to require and direct, that D. Denyssen, Esq., His Majesty's Fiscal, R. Rogerson, Esq., Assistant Commissary General, together with two members of the Court of Justice and two members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue in the Castle, on Monday morning the 14th instant, at 10 o'clock, and that they do then and there receive from F. Dashwood, Esq., His Majesty's Receiver General, the above-mentioned sum of 24,000 Rds., and after examining the same, that they do in their presence in the Court Yard of the Castle aforesaid, cause the same to be publicly burnt and destroyed; and in case the examination of the several pieces of money which constitute the above sum of 24,000

Rds. cannot be concluded in one day, they are then and in that case to adjourn and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible. And it is further directed that the several persons above-mentioned do sign two certificates of their proceedings herein in the English and Dutch languages, to be drawn up and prepared by Mr. H. F. W. Maynier, clerk in the Colonial Secretary's office, (assisted by the sworn translator to Government) under the direction of the Fiscal, one of which certificates is to be delivered to F. Dashwood, Esq., as his discharge of the sum of 24,000 Rds. with which he now stands charged to His Majesty, and the other is to be lodged in the records of the Court of Justice by the Fiscal and members thereunto belonging, at the next meeting after the signing as above directed.

And His Majesty's Fiscal is hereby also directed to require and demand of the Court of Justice, within fourteen days after the lodging of such certificate above-mentioned, that they do pass a Public Act under their hand and Seal of the Court, certifying and declaring all their proceedings which have been held and taken place with regard to the destroying of said sum of 24,000 Rds., annexing to or including in such their act, authentic copies of the several certificates lodged, as directed in their records, which Public Act is to be presented to me, to be disposed of in such manner as I may think expedient for the satisfaction of His Majesty in the premises.

For all which, this shall be to all concerned a full and sufficient warrant and authority.

God save the King !

Given under my Hand and Seal at the Cape of Good Hope, this 4th day of March, 1814.

(Signed) J. F. CRADOCK.

[Copy.]

*Circular to the Landdrosts of Swellendam, Graaff-Reinet,
Uitenhage, and George.*

COLONIAL SECRETARY'S OFFICE, 4th March 1814.

SIR,—I am directed by His Excellency the Governor and Commander in Chief to call to your most serious view and consideration,

the subject of the advances made, and to be still made, (as per margin) to the district of for the erection of civil buildings, and the promotion of other objects of signal improvement, under contemplation.

It forms a deliberation, that must, as closely as practicable, be distinctly understood, and acted upon between Government and you, on the part of the district; for however ardent Government will feel itself to improve this part of the Colony, to the utmost of its power, and however necessary and desirable the objects in design must appear, yet it is indispensable to secure the repayment of the sums advanced by the Lombard Bank, within a suitable and just period, or the alternative can only be to discontinue or give up these works.

The Colonial Government has given to this subject the fullest and most anxious reflexion; and to prove that it acts with the greatest solicitude for your prosperity, and to the utmost extent of its powers, His Excellency commands me to signify to you his intention to remit the interest of all monies so advanced, and that all the future payments will be received as "Capital," and in reduction of the debt thus incurred, to be disposed of and destroyed as the Proclamation of this date directs; provided that it shall appear from your representation on the part of the district, in answer to this letter, that a reasonable and just engagement be maintained to repay the full amount of these advances, by instalments, at times not too remote, and duly commensurate with the present and future circumstances of the district, under such further orders from Government as may appear necessary.

I am directed also by His Excellency the Governor, to communicate to you that such buildings and other works as are the objects of the present arrangement, will, after the full repayment of the expences, be considered as the public property of the districts, and subject to their disposal, under the sanction of the Colonial Government.

His Excellency is aware that the subject will require great consideration and extensive arrangement; but the good faith of the district, and due gratitude to Government for the benefit conferred, cannot fail to produce a satisfactory conclusion. I have etc.

(Signed) H. ALEXANDER, Secretary.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 5th March 1814.

MY LORD,—I have the honor of submitting to your Lordship that previously to my Departure from this Colony, it appeared highly desirable, if not altogether necessary, to place the subject of the 1,000,000 Rds., for the Creation of which Permission was given to my Predecessor, the Earl of Caledon, by the Earl of Liverpool's Dispatch of 3rd March 1810, upon an understood and acknowledged Foundation.

I therefore lay before your Lordship in the annexed Papers the steps I have taken, and I anxiously hope that the Measures adopted upon the most enlarged view of the subject, will meet with your Lordship's approbation.

The great Depreciation of the Paper Currency, from whatever cause it may arise, whether from the much greater Importation than Exportation, and the consequent *unexampled* price upon English Bills of Exchange, under all the arts practised by Individuals who find their interest in enhancing it even beyond its natural and just level, and which cannot be counteracted while all the Bills drawn by Government are given to the highest Bidder, without any other consideration, or any inherent defect in the Institution of a Paper Currency, that neither has nor professes to have any representation in specie, seemed to demand some special deliberation, and attempt to stop so serious and growing an evil at the earliest moment.

One rich Money Broker here generally buys up all the Bills, at no matter to him what price, and *then* he demands such additional premiums as he thinks proper, for *at length* the Merchants and others *must* have recourse to him for their remittances.

The general Subject of the Paper Money of this Colony is very complicated, and is one upon which there exists such a variety of opinions, that I have great diffidence to introduce it, and confess I feel myself too much inclined to follow a prevailing sentiment, that it may be judicious not to enter upon explanations which in all probability would not lead to satisfactory or conclusive consequences. "Sufficient to the Day be the Evil thereof"

has been a mode of thought and action too much, perhaps, employed.

The Dutch and English Finance has ever been so much blended that it is now very difficult to separate it, and as the Capitulations have encreased all those difficulties, and there is no present resort to remedy the Dutch Part of the Currency, I am not enabled to offer any propositions of complete effect.

One main principle seems however to sway the Public Mind upon the subject of the Paper Currency, which is to make it supposed to have throughout the amount some adequate and avowed security. And it has been my anxious endeavour, as far as purely the British operations extend, to uphold and establish this notion in the Proclamations now submitted to your Lordship.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from SIR JOHN CRADOCK *to* LIEUTENANT GOVERNOR
MEADE.

GOVERNMENT HOUSE, *March 5th* 1814.

SIR,—I beg permission to employ you upon a subject that I deem of the highest consequence to His Majesty's Revenue, and the best interests of this Colony. I have also to express my anxiety, that the proceedings, if practicable, should be closed before I leave the Cape, which may be very soon expected; for I am very unwilling to leave to you or any other successor, arrangements, though of so difficult or complicated a nature as to make it very desirable to avoid them, which still belong to the period of my Government.

In the annexed memorandum of the 17th August last, you will find that His Majesty's Government has thought proper to direct that the Wine Monopoly, the most productive branch of the revenue, should be discontinued, and therefore it is incumbent upon us, at the earliest moment to take up the subject, and consider how so material a deficit in the finances (under which the Colonial

Government amidst all its other pressures could not be maintained) can be retrieved, and at the same time how all the benefits in the supposed view of His Majesty's Ministers may in the best manner be forwarded.

I shall direct that all the papers that have already passed upon this subject "so well considered," and which has occupied the attention of the Colonial Government for nearly three years, should be laid before you, and allow me again to repeat my opinion that there cannot be any one which demands so much investigation or such a reach of thought, for it will doubtless occasion consideration, whether the whole case of the wine consumption throughout the Colony should not form a principal part of your labors; and whether it may not be just, as well for the greater advantage of His Majesty's Revenue, as through the principle of equal taxation, to extend the effects of a necessary impost upon wine, upon all classes of persons, which is not at present the circumstance.

<p>You will perceive by the memorandum enclosed, that a</p> <p>Mr. Alexander The Chief Justice H.M. Fiscal Mr. Van Andrenge Mr. Louw Cloete Mr. G. de Vos Mr. McDonald</p>	<p>Committee has already been formed; but I am not aware to what extent their researches have been accomplished, or whether the nomination has fulfilled expectations. I shall therefore be obliged to you, to consult Mr. Alexander, and in conjunction with him, make such further arrangements upon this head, as may appear necessary.</p>
--	--

As I am anxious to give every weight to so important a Committee, permit me to name you as President, and afford you the assistance of Mr. Stoll as secretary.

The perusal of the papers will inform you that the present contract will expire *on the 14th August next*, but upon an arrangement of this widely extended nature, perhaps operative throughout the Settlement, it is required that all the measures should be resolved upon long before that period. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from EARL CLANCARTY, BRITISH AMBASSADOR AT THE
HAGUE, *to* VISCOUNT CASTLEREAGH.

THE HAGUE, 5th March 1814.

MY LORD,—In a conversation last night with M. de Hogendorp, he requested that I would transmit a copy of the accompanying memorandum to your Lordship, with a request that previous to any formal demand being made by the Dutch Government upon its object, information might be obtained whether any proceedings had been instituted upon the subject; whether the same was, as alledged before the Privy Council, and if so, in what stage those proceedings were, or whether their Lordships' decision was expected to be speedily had thereon.

This paper had been sent to me some time back by M. de Hogendorp with a desire on his part that I would read and consider it. For the purpose of forming an opinion upon the merits, it appeared to me necessary to call for a copy of the articles of capitulation, in order to see how far private property was guaranteed therein; and also a copy of the Charter, for the purpose of seeing whether there was no public interest expressly reserved to the state out of the proceeds of the fishery or stock of the Company.

These two documents I have read. The articles which refer to property in the capitulation are the 6th and 7th; the first of these provides that (6th) "all *private* property actually belonging to the Civil and Military officers of Government, to the citizens, churches, orphans, and other public institutions of that nature shall remain free and unmolested."

By the second—

Art 7. "Public property of every description consisting either in cash, land, or marine stores, buildings, lands, or merchandize, and belonging to the Batavian republic, or to the French Government, shall be faithfully given up, and the inventories of the same shall be delivered in as speedily as possible."

Now altho' the precise species of property arising out of the Charter is not exactly described, in either of these articles, yet it would seem to me, on a fair and liberal construction, that, if the Dutch Government had no immediate interest in the concerns of the Company, the property of this body must be deemed private

property, and by a favorable interpretation of the 6th Article exempt from the consequences of capture.

The Charter, the translation of which I have read, certainly appears to give no direct interest to the Government in any of the concerns of the Company, and it would therefore follow under my view of the question, that the property is still vested in the original proprietors.

The restoration of this seems however to be but one of the objects of those who framed the Memorandum, as at the close of this document, indemnification is claimed for the prejudicial consequences sustained by the alledged erroneous deprivation of their property by the Share Holders.

I have the honor to transmit herewith the originals of the two pieces with which I have been furnished for the purpose of elucidating this subject, and to request to be favored with such information or instructions upon the subject of the Memorandum, as His Majesty's Ministers may think expedient to afford.

I have etc.

(Signed) CLANCARTY.

[Enclosure 1 in the above.]

Memorandum.

In the year 1802 when the restoration of peace at sea presented new perspectives to the Dutch Commerce, this event roused everywhere the spirit of industry to explore new sources of prosperity and to render them serviceable to general and private interest.

For this purpose three Dutch merchants requested and obtained from the then Government a charter for twenty years, for an exclusive whale fishery and blubber boiling on the coasts and bays of the Cape of Good Hope and its environs.

In order to spread as far as possible the hoped for benefit of this charter, agreeable to the principles laid down by it, the three merchants, to whom the charter had been granted, opened a subscription for all private persons, both here and elsewhere, and especially at the Cape of Good Hope, to enable them to partake of this undertaking, by medium of an association, which was to be established under the denomination of *Chartered African Fishing Society*, and under the direction of eight private persons interested in it.

This undertaking became of course an ordinary commercial partnership, which had nothing common with Government. The actions of it were left in blank, and the foreign as well as the national merchant was consequently enabled to become copartner of it, in so much that the direction thinks itself authorized to suppose that probably even in England, and most certainly at the Cape of Good Hope, persons highly interested in it will be found. The tenour of the charter did not charge the undertakers with any condition towards Government, nor were they liable to any extraordinary contribution, and only charged with the same ordinary duties on importation and exportation, which every private merchant was to pay.

In the year 1803 however the embarrassing and expensive preparations for the settlement at the Cape of Good Hope were hardly performed, and the agents of the Society sent it to that Colony, but war broke out anew, and the directors of the Society found themselves of course, from the very beginning of their operations, in the sad obligation to struggle with an interrupted navigation and a lamed commerce.

They strove however to do all that was left to them, and redoubled their exertions to work on against the stream of hindrances and disappointments, till three years afterwards all hopes to overcome them were entirely destroyed.

In the month of January 1806 the Cape of Good Hope was obliged to yield to the victorious arms of Great Britain, according to the capitulation however private property was to be respected, and the Dutch Governor General was so thoroughly convinced that the peaceable mercantile possessions of this Society were to be considered as such, that he esteemed it superfluous to make any special mention of them. A great while after his departure from thence the English Prize Commissary shewed to be of a different opinion. He caused an inventory to be made of the whole settlement, determined during his deliberations on the seizure, a rent of 4,000 Rix Dollars for the then running fishing season, and confiscated afterwards a possession, which together with the expensive purchases that had been made at the Cape, had cost the Society *f.* 280,000.

The Governor General Janssens, who had concluded the capitulation, received this information from the directors of the Society in the year 1807, when he was in Holland, and was struck with

astonishment. He did not hesitate a moment to shew and demonstrate to the British Government the erroneous proceedings of this confiscation. He proved that the undertaking was absolutely no more than a mere commercial association, which had nothing common with the Government, and that the Society, neither direct nor as auxiliary, was possessed of the least military means at sea or on shore to make opposition to an advancing military force. He pleaded the right always granted by capitulations to the yielding party, that every dubious article was to be construed in favour of the latter, although he maintained that not so much as a doubt could be alledged to justify this confiscation, yet his endeavours had no success.

In the interim Lord Caledon was arrived at the Cape in the capacity of British Governor General, and the Agents of the Society had applied to the noble Lord, and presented their claim. His Lordship after having examined the matter *declared in their favour*, considering the confiscation as unlawful, and they have of course obtained his Lordship's support by the British Ministry, and if their informations be true, the question has been referred to His Majesty's Privy Council for further examination, the result of which is not yet come to their knowledge.

The complete estrangement of the British and French Governments rendered it absolutely impossible to the members of the Society to pursue their claim during the time that this country was overpowered by France. At present however this impediment being removed by the happy restoration of the ancient ties of amity and alliance with the British Realm, they have applied to His Royal Highness our Sovereign to ask his intercession with the British Government, that they may be indemnified for the losses they have sustained by the erroneous deprivation of their property at the Cape of Good Hope, and the prejudicial consequences of it.

[Enclosure 2 in the above.]

*Advertisement and Plan of the Chartered African fishing Company.
Abstract of the register of resolutions of the Directory of State of the
Batavian Republic.*

Monday 8th November 1802.

After a further deliberation upon a letter of the Council of Interior Affairs of the 19th October last containing in pursuance

of the resolution of the 20th August last with concurrence of the Council of the Asiatic possessions and settlements some considerations and advices concerning the way of bringing to execution the decree of the legislative body of the 18th of the last mentioned month, by which conformable to the proposal of the Directory of State of the 2nd of the foregoing month, liberty together with an exclusive charter for 20 years was given to J. L. Unigrove, A. Teyler van Hall, and J. van Ouwerkerk de Vries for the purpose of erecting a Society or Company of Whale fishing and catching seals along the coast of Africa and circumference, the whole under such restrictions and limitations as are mentioned in the above proposal. The Council of Interior Affairs having at the same time presented to the approbation of this assembly a model of a Charter as it thus should be required, together with copy of an advertisement and conditions of sharing in the proposed society received from the citizen Unigrove:

And being further heard the report of the Commissioner for the Marine and Colonies having in pursuance of the decree of the 2nd of August last which had been submitted to a Committee examined a report of the Council of Interior Affairs dated the 30th July last and a report of the Council of Asiatic possessions and settlements dated the 30th June last of which reports have been referred to a Committee of the Council of State on the occasion of a petition presented to the Council by A. Teyler van Hall, and J. van Ouwerkerk de Vries for the purpose of obtaining the above-mentioned Charter it has been resolved to approve and to approve of these reports the Council of the Interior Affairs and the Council of Asiatic possessions and settlements have both approved of the Charter as presented to the Council of Interior Affairs in form a resolution to the same and resolutions have been taken.

The Director of Marine in the Executive Council has also in these reports been duly considered.

Whereas it has been represented to the Council of State by the Agents Teyler van Hall and J. van Ouwerkerk de Vries for the purpose of obtaining the Charter for the purpose of erecting a Society or Company of Whale fishing and catching seals along the coast of Africa and circumference, the whole under such restrictions and limitations as are mentioned in the above proposal. The Council of State has resolved to approve of the Charter as presented to the Council of Interior Affairs in form a resolution to the same and resolutions have been taken.

Republic and its Colony the Cape of Good Hope unless it were duly chartered, for which reason they were petitioning that a Charter in the required form might be granted to them. And whereas the legislative body of the Batavian Republic by its resolution of the 18th of August of this year 1802 has approved of the proposal of the Directory of State, after having 1st heard the considerations and advice of the Council of Interior Affairs as well as those of the Council of Asiatic possessions and settlements relative thereto: It is by these presents ordered that to J. L. Umbgrove, Adriaan Teyler van Hall, and J. van Ouwerkerk de Vries for and in favour of the purposed Society of Whale and Seal catching on the African Coast at and about the Cape of Good Hope a Charter shall be given as if given to them by these presents for the time of 20 consecutive years next ensuing the date hereof, to the following effect, viz.

That none but such vessels as belong to or are in service of the Society which shall be erected by the petitioners shall be allowed to land either to cut whale or seal blubber or to boil the oil of them on the coast of Africa at the Cape of Good Hope, or as far as reaches the territory of the Batavian Republic.

2nd. That none but the Society exclusive of all others shall have the faculty to build and erect on the territory of the Batavian Republic inclusive of the Seal and Badger islands all such buildings, out houses, and kettles as shall be deemed proper for the cutting of whale and seal blubber, as well as for boiling or melting the same to oil.

3rd. That no whale oil, beard, or bones or other offal or produce of the fishery which this Society proposes to carry on the coast of Africa shall be importable into the Batavian Republic but by such vessels as belong to the Society or are engaged in its service; and

4th. That this Society shall have the faculty to export to the Cape of Good Hope and environs such tuns and casks, sloops, boats, fishing nets, kettles, iron wares, lines and other utensils of whatever nature or kind as it shall be thought proper, and that moreover the Society shall have liberty to engage and dispatch for the said Colony all such persons as shall be judged useful to the execution of the project, in so much that all decrees, publications, placards, &c., by which the contrary might be stated are in this respect declared void, with this proviso however that this privilege

shall be by no means prejudicial or of any hindrance to the free trade of the inhabitants of this Country on the Cape of Good Hope nor to any other regulations as on this head shall or may be made by the Council of Asiatic Possessions and Settlements under the approbation of the Directory of State. The whole however of this proviso that the petitioners in name of the purposed Society or the Society itself shall not enjoy the consequences or benefits of this Charter unless (as is expressly ordered by these presents) they fulfil the following conditions, viz.

1st. That during the space of 3 months it shall be permitted to everybody to subscribe for one or more portions to the amount of one thousand each or so much more or less as circumstances may require in the fund of the Society, and that in case at the expiration of that term it appears that the subscribed amount exceeds the required stock of the Society, the amounts of the respective portions shall be reduced accordingly, yet shall it never be permitted to exclude wholly one or more of the subscribers.

2nd. One fourth of the required fund shall be left to be filled up by subscription at the Cape of Good Hope by such persons there as might be inclined to partake of the success of the Society, and that for that end the subscription of the mentioned one fourth shall be left opened at the Cape of Good Hope 3 months after the distribution of the project there, and that further all possible care shall be taken to render the inhabitants of the Cape fully acquainted with it, for which reason a sufficient quantity of printed copies shall be delivered to the Asiatic Council in order to be as soon as possible forwarded to the said Colony.

3. That the subscription in this Country shall not be opened, but after the petitioners having presented to the Directory of State the project of sharing in the Society and obtained the approbation of said College.

4. That the said Society being thus constituted, and having begun its operations, shall be obliged to share for one eighth part in every vessel that shall be sent for the purpose of fishing near Greenland and in the Straits of Davis, providing the owners of such vessel require it, with this proviso however that the Society shall never be obliged to spend more in this particular than one tenth part of its active stock.

5. That after the expiration of 2 years the Society shall not be permitted to carry on the fishery nor transport the oil and further

produce of the same but by vessels built and fitted out and equipped in this Republic.

6. That all materials and stores for carrying on this fishery and navigation may solely be bought in this country.

7. That it shall not be permitted to bring any oil and other produce of this fishery to market else but in this country, the whole on pains that in case the aforesaid petitioners or those who may represent them in time neglect to fulfil this and every one of the foregoing conditions they shall be regarded and treated as having entirely forfeited the present Charter.

That further the directory of State by Virtue of the power given to it by the legislative body to the effect of inserting into the above Charter such further limitations as the same Directory of State might judge proper and especially agreeable to the above mentioned 3rd condition upon which the present Charter has been granted. Having seen and examined the advertisement and project of sharing presented to it by the petitioners now guarantees, has resolved to authorize the same, to dispatch and publish the following *Advertisement* of J. L. Umbgrove, A. Teyler van Hall, and J. van Ouwerkerk de Vries concerning a Society of whale fishery and catching seals on the coast of Africa and in the environs of the Cape of Good Hope to be erected by them under the title of *Chartered African fishing Society*.

It is known that the prosperity and existence of this republic is solely grounded and depending upon commerce and navigation. It is no less true that this latter branch of national welfare after having since more than a century been curtailed and injured in many respects has in process of time quite changed its ancient shape, and by the encreasing civilization and competition of other European nations, by not always justly calculating the interests of our commerce by entering into obnoxious engagements and other both physical and political disasters, in one word that by a great number of direct and indirect causes it would have been long since totally ruined had not the ancient industry which has ever been the distinctive ornament of this nation been always alive in the hearts of posterity and induced them whenever a source of prosperity was tied up by the above mentioned causes to trace up another rich enough to counterpoise the former or at least to render its loss supportable.

A mature consideration of those circumstances at the end of a war, the unhappy consequences of which shall yet a long time be felt by this country, has induced us to endeavour in following the steps of our ancestors to explore such resources as might prove a new support to the welfare of our country, the foundations of which especially since the latter 20 years have been so much shaken and weakened.

We flatter ourselves that in this endeavour we are well succeeded and that supported by an effectual co-operation of this nation we shall have found at the so long in some respects forgotten Cape of Good Hope a new way of supplying our Batavian commerce with a new support and of revivifying our navigation. An undertaking in which no competition of other nations is to be feared providing the Batavian Government goes on to use the strength of this country for the defence and improvement of its commerce.

The undertaking we allude to is the erection of a Society or Company of fishing whales and catching seals on the coasts of Africa.

A Society which exclusive of all others shall be occupied with this branch of trade, and upon which the following charter has been granted to us.

Fiat insertio.

To form a just idea of this undertaking it is necessary to remind that it ought not to be compared to the fishery of Greenland and the Straits of Davis. No other point of similitude exists between them but that the object of both is the produce of some sea animals. To shew this in particulars by this advertisement tho' it were feasible would be a task which we judge it better to avoid.

Time and experience and especially the latter cannot fail from shewing the great difference between those two kinds of fishery, and it is to those we shall leave the decision.

This however we think ourselves bound to observe to our countrymen, that the benefits of the undertaking in question are chiefly grounded upon *in the first place* That in exercising the same no competition is to be feared.

2dly. That the Society never is exposed to the losses resulting

from lost voyages or dead freight, because on certain fixed periods the whales shew themselves in such great numbers in the bays about the Cape of Good Hope, that nothing more is wanting but to observe well the different seasons of their appearance to be able to catch a sufficient number.

3dly. That on account of the proximity of the places where the whales are to be found, the Society may for the greatest part carry on its fishing with boats and boil the blubber on shore, so that almost no larger vessels are required than such as are able to transport the blubber, then already converted into oil, to Europe, by which circumstances a great deal of expence will be saved.

4thly. That taking into consideration the many advantages we possess with respect to this fishery above other nations, we have every reason to hope that those foreign nations, as have hitherto carried on this fishery on the coast of Africa with the best success, seeing that on account of the facilities our relation to the Cape of Good Hope afford, we are able to sell whale oil at a lower price than shall be possible to them, they will in process of time gradually desist from this branch of trade and leave it at last entirely to us, nay that perhaps for the same reasons they will cease their fishing on the Northern Pole; and lastly

In the 5th place, that the Cape of Good Hope, becoming a free place of commerce which cannot fail from acquiring shortly more strength and splendour, and the wants of which must needs encrease in proportion. This circumstance opens very grounded prospects of a profitable outward trade to the Cape; whereas on the latter place such a great number of produce, too many to be enumerated here, are to be found, that in case any bad success might befall the fishery the ships sent thither for the transport of whale oil shall rarely want a home freight.

It shall seem strange perhaps at the first view to see appear such an ample treatise concerning a Country that since almost a century and a half has been in the possession of this Republic, and still more wondrous may it appear to behold the erection of a privileged Society in a moment that other already existing privileged Companies are abolished, and that some are of opinion that also the East India Trade ought to be declared free.

As for the 1st, it is to be considered that the East India Company having as sovereign of the Cape of Good Hope acquired

the enjoyment of the products of that country, never considered it but as a refreshing place for its East Indiamen, and that perhaps for very wise and well weighed reasons it was thought necessary to suppress the Commerce that country might afford.

Whereas now these impediments ceasing, the Cape of Good Hope as a new acquired country unfolds its treasures to the eyes of the tradesman and presents for the first time its fertile soil both to the industrious husbandman and the salutary spirit of undertaking of the restless Batavian merchant, whereas an exclusive charter has been judged proper both to encourage the spirit of invention and enterprize and to assure to success of the primitive vast mercantile operations.

The necessary Charter having thus been obtained in the mentioned manner, we have made it our first study to acquire and dispose for the direction of this Society, such persons as enjoy the credit and esteem of the public will acknowledge that our endeavouring to that effect has met with the best success, as we are happy to mention of Commissioners for this Society

Abraham Henry Brouwer,
Samuel Iperusson Wisselins,
Abraham Vereul,
Cornelis Boterkoper,
John Lubbert Umbgrove, and
Adrian Teyler van Hall,
and of Directory
John van Ouwerkerk de Vries, and
John Reinhart Scholten,

Who each of them in their respective relations have declared to accept the charges conferred upon them.

We therefore offer now to our countrymen and to the inhabitants of the Cape of Good Hope to share in the aforesaid Society upon the following conditions approved by the Directory of State.

1st Article. This society shall bear the title of Chartered African fishing Society.

2. Agreeable to the aforementioned Charter and advertisement the chief object of this society shall be the erection of one or more settlements in the most convenient bays near the Cape of Good Hope to the end of fitting out from thence such expeditions for catching whales and seals and further fishery and hunting as shall be thought proper for the benefit of the Society, to boil oil on

shore and draw spermaceti and to transport the same together with the other produce of the fishery by owned or freighted vessels in the least expensive manner to the market of this Republic. And moreover to make such use both of the free trade allowed by Government to the inhabitants of the Batavian Republic on the Cape of Good Hope and adjacent islands and of other promising sources of industry and trade as the Directory in time shall judge proper for the benefit of those interested in the Society.

With this limitation however that the main object of the Society may never be any other but the catching of whales and seals and that the above mentioned Commissaries shall be obliged to take special care that it never degenerate into a general Society of Trade to the prejudices of the other trading inhabitants of this Republic.

3. The amount of the stock of this Society in which every member of the Direction shall be obliged to share for at least ten portions shall not exceed two millions guilders Dutch Currency, of which amount one fourth shall be left undisposed of in favour of the inhabitants of the Cape of Good Hope.

4. The amount of the shares in this society shall be of 1000 each, or so much less as shall be required according to the 1st condition upon which the Charter is grounded.

5. The mentioned shares shall be numbered to begin with No. 1 and so forth. They shall be signed by both the Direction and countersigned by three of the commissaries, as also by the notary Wynand Cappenberg.

6. The subscription for sharing in this society shall remain open for every one, viz. for this country 3 months after the date of this advertisement, and for the inhabitants of the Cape of Good Hope during three months after the publication of this advertisement there, to which end the direction of the Society shall take care that a sufficient number of printed copies be forwarded thither, for which purpose the direction of the Society shall apply to the Council of Asiatic Possessions and Settlements.

7. The payment of the portions subscribed for in this Country is to be performed on delivery of the certificates one month after the closing of the subscription. Those that pay sooner shall be entitled to a deduction at the rate of $\frac{1}{2}$ per cent per month.

8. As the payment of those Shares, the inhabitants of the Cape shall appear to have subscribed for, enter late into the active stock

of the Society half per Cent per month for the time such payments have been later received here shall be deducted by the Society from the 1st Dividend that shall be paid. In all cases however the subscription at the Cape is to be furnished on the 31st December 1803.

9. The subscription both in this Society and at the Cape of Good Hope is to be done by the delivery of sealed notes against Receipts at Amsterdam at the notary Wynand Cappenberg's office, and at the Cape of Good Hope at the office of the Council of policy there, both under the obligation of secrecy. After the expiration of the time within which the subscription is to be performed, the notes shall be opened at Amsterdam by the above mentioned notary in presence of the Directory and the secretary of the Asiatic Council; and at the Cape in the assembly of the Governor and counsellors of policy, who are to forward the same together with duplicates as soon as possible by two different ways to this country, after which the result of both subscriptions shall be communicated to the Directory of State.

10. After the expiration of the term mentioned in the 6th article the subscription shall be closed. In case however that it appears then that the sum subscribed for exceeds the amount mentioned in the 3rd article, the amount of every share shall suffer the required proportional reduction in such a manner that none of the subscribers be secluded.

11. In order to facilitate the payments subscribed for, the Directors shall have liberty to allow to the first subscribers to postpone the payment of their shares subscribed for, for some months, provided the latter pledge therefor their shares and so much overplus as Directors shall judge and pay moreover an interest regulated according to the moment which delay may be allowed for such a space of time as the Directors, without injuring the interests of the Society, may carry on their first operations without the use of ready money.

12. The net proceed of the benefits of this Society, such as there shall appear to be at the casting up of the yearly balance, shall be distributed amongst the subscribers according to what each of them has subscribed or shares in the Society, this distribution shall be announced by the public papers and noted upon the back of the certificates of shares, the exhibition of which shall be sufficient for that purpose, unless the Direction of the Society might judge it

more proper to add to the documents of share a certain number of coupons. Whereas at the Cape of Good Hope the distribution shall be done in the same manner at a determined course of exchange.

13. The Directory shall be allowed to charge to account all disbursements which have taken place before the erection of the society or yet to do as also half per cent per month for interest of the money laid out, till by the entering of the money subscribed for, they have got their reimbursement, and moreover 2 per cent of the stock collected by subscription to the amount of one million guilders, and further one per cent of the sum inscribed for over and above the mentioned one million.

14. Besides the mentioned allowance it shall not be permitted to lay any thing more to the charge of the inscribed stock except brokerage and such charges as are inseparable of undertakings of this kind and magnitude.

15. As a remuneration of the trouble and loss of time of the commissaries and directors, they shall each of them yearly receive as much as comes to a dividend on £10,000 or ten shares, besides which the two directors shall be entitled to charge each of them yearly £3000 of a reward for their direction and administration.

16. In case there be any ready money at hand which cannot be directly employed for the use of the Society, the Directory have not only a right, but are even obliged, after having consulted with the Commissaries in time to lend it out upon rise or convert it into publick stocks or lay it out upon mortgage as shall be deemed most beneficial to the interest of the Society, as also to receive the reimbursements of the money laid out in this manner: to dispose of the purchased stock and to do and act further in the name of the Society both by law and without all and everything, which they shall think conducive to fulfil the vast designs of this Society.

17. All papers of importance directly or indirectly relating to this Society shall be kept and deposited in a strong trunk in the office of the Society. This trunk shall have 3 locks of different workmanship, the keys of which shall respectively remain in the possession of the President, Director and the President and Vice President of Commissaries whereas all ready money shall be deposited in the bank of the Cape of Good Hope and the interest thereof shall be deposited in the same bank. X X X and X X. and it shall be the duty of the Directors to give up

this Commission the Direction shall take care for an immediate election of another.

18. The Directory shall be obliged whenever the Commissaries demand it to lay open to the latter the books, papers and documents concerning the Society, and give them such information as they might require respecting the state of the same. They shall moreover be bound to give to them at least once per month a general and exact account of all matters of importance respecting the society, for which reason a monthly meeting of the whole direction shall be fixed, in which the direction shall conclude all affairs concerning the Society that shall be proposed to it, the result of which shall be duly recorded by the youngest Director.

19. On making up yearly balance (which shall be closed according to the date of the erection of this society and the arrival of the returns) the Directors shall be obliged to give to the Commissaries a due and ample account of their administration, the wares, merchandises and stocks then on hand shall be duly estimated and accordingly brought over upon the balance.

20. One of the places of the Directors becoming vacant the same shall be filled up out of the co-partners by an absolute plurality of the Direction, and if the same happens to one of the Commissaries, the election shall be made by the whole number of co-partners who shall be convoked to that effect, on which meeting a list of those co-partners intitled or eligible to the vacant place shall be exhibited.

21. The Directory of this Society who represent at all times and in every case all those who have a share or interest in it, are bound and obliged to defend and promote the rights and interests of the same as much as lies in their power, and in order to compass the vast aims of this Society, full power and authority is given to them by these presents, by the joint shares of it, to do all and every thing which every member of the Direction might or would do in the management of his own concerns.

With promise of approbation and confirmation of all that shall be done by the Direction of this Society in the name and on the behalf of the same even tho' it were not inserted in the premises, and further to warrant and indemnify the joint members of the direction and each of them, in case any action or claim should be instituted against them on that account.

And that the obtaining of this patent and further the interested

and I therefore I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony, and I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony, and I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony.

I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony, and I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony.

It is a matter of course that the Committee of the Cape Colony is authorized to make reports to the Cape Colony, and I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony, and I am sorry that I am not able to do more than to send you the enclosed copy of the report of the Committee of the Cape Colony.

Signed S. DASHIELL

This petition is presented to the Cape Colony on the 1st of November 1813 by

JOHN LUTHER TROTT
JAMES TULLER VAN HALL
JOHN VAN COTTENBERG DE VRIES

[Signature]

Letter from LYNDONET BUSHNELL to HENRY ALEXANDER, ESQ.

Switzerland, 28 March 1814

SIR,—In compliance with your letter of the 8th of July last, conveying a copy of a Memorial from the Moravian Brethren at Genesee, I have exerted myself to find some spot of ground suitable to their purpose, but have not been able to find any that would be of essential service to them. In this predicament I have turned my attention towards the places adjoining their Establishment, and found that if the possessors of these places could be prevailed upon to give up a certain portion of their land, no grant in the District of Swellendam could equal the benefit this measure would carry with it. I have in consequence applied to three different persons, being Mr. Philip Morkel of Hottentots Holland,

Mrs. Giebelaar of Klapmuts, and Mrs. Gildenhuis of Caledon, and explained to them the wishes of Government and the impossibility of complying with the same without their assistance, and after a great many objections have come to the following terms :—

In the first place Mr. Morkel will give up some more than half the extent of his loan place to the westward of the Establishment, called the Wolvekraal, with the buildings on the same; worth about four hundred rixdollars, if Government will give him in lieu all the remainder of the said loan place and the vacant land between that and his mother's the Widow Morkel's place the Engacht, containing 9005 morgen and 350 square roods perpetual quitrent *rent free*.

In the second place the Widow Gildenhuis will give full one third part of her place to the southward of the same, called de Oude Bakoven, provided Government gives her in perpetual quitrent *rent free* the remainder of said place and another piece of vacant ground adjoining the same, amounting to 3009 morgen and 300 square roods, on perpetual quitrent *rent free*; And

In the third place Mrs. Giebelaar will give up one third of her loan place to the south-eastward of the same, provided an equal lot of ground is added to the remainder of her said place in a different direction.

By this arrangement the Genadendal will become a place of sufficient extent, and capable of maintaining now as it is not only the whole of the community with all their cattle, but even five or six hundred persons more, with whatever cattle they may have, without injuring any of the adjacent places; and Government will have the satisfaction to see this Institution so very worthy of its attention provided for in a most substantial manner; Mr. Morkel's demand however seems to me to be exorbitant, and I beg leave to offer it as my opinion that if Mr. Morkel for what he gives up, were to get between 4000 and 5000 morgen in quitrent *rent free* and the remainder at a low rent, he might be very well satisfied.

I beg leave to transmit a general plan of the Genadendal and two special diagrams of the land demanded in exchange by Mr. Morkel and the Widow Gildenhuis, and have etc.

(Signed) P. S. BUISSINNE, Landdrost.

[Copy.]

Report of the Committee appointed by SIR JOHN CRADOCK upon the Taxes collected in Cape Town and the Country Districts.

CAPE TOWN, 8th March 1814.

SIR,—In obedience to your Excellency's commands the committee have taken into their consideration the local taxes as they now exist, as detailed in the replies of the several landdrosts, and fully and amply commented upon and explained in the Report of the chief justice hereunto annexed.

Thus aided, the committee suggest to your Excellency for consideration the following propositions, as best adapted to satisfy the public mind, by giving equality, publicity and satisfaction, as to the legality of taxes hereafterwards to be collected by the local magistrates.

The committee are of opinion that the burgher senate should be directed to class all inhabitants within Cape Town and its limits under the following twenty-seven heads; and that then the taxation, equal to the public wants, but not exceeding, in the first instance, the present taxes, should be raised by an income tax.

The income tax to be divided into *two heads*; the first upon income arising from office, profession, trade, commerce, *slave hire*, and other sources of a life interest, or other temporary nature; the second from houses, mortgages, debts, &c. of a permanent and transmissible nature.

The committee further state that when such lists or schedules are prepared by the burgher senate for your Excellency's consideration, and such circumstances as nothing but experience can instruct your committee in become thus known, they will have the honour of further submitting for your Excellency's consideration what may occur.

The committee recommend to your Excellency that the burgher senate, and such other persons as your Excellency may think proper to select in the country districts for forming such a tariff, should be sworn to secrecy as to the value of any individual's property, and the knowledge they may acquire from the course of this investigation. The committee further recommend that any individual who conceives his income over-rated may, upon oath, class himself, liable to a penalty of five times the amount of the

tax, provided he is detected in a false classification, besides the usual penalty of perjury.

The burgher should also be entitled to call at the register office for certificates of debts due to or by such persons, and upon all other boards or individuals for information concerning debts to be due or owing.

In cases of persons denying money due to them, for the purpose of evading taxes, upon a certificate given of such denial by the burgher senate, or other magistrates, no suit at law for the recovery of such debt should be entertained in this colony.

We recommend the application of these principles to Simon's Town. We also recommend to your Excellency a total separation of the Cape District from Cape Town; and after the boundaries of Cape Town are ascertained, they should pay their contributions into the district treasury, as in the other districts.

The committee submit to your Excellency, for the ordinary expenses of the drostdies, a tariff applicable to the whole colony, and they trust fully adequate to the ordinary expenditure, which has for the year 1812 amounted to *Rds.*

From an accurate comparison with the opgaaf, it is expected *Rds.*63,227. 19*sts.* would be raised by the tariff submitted to your Excellency.

Inhabitants not having property in cattle or produce, but from interest on money, profession, traffic or office, are to be divided in classes, and taxed in analogy with the principles laid down as to Cape Town.

The committee further recommend to your Excellency that the districts accounts should be submitted hereafter to the auditor-general, with the instructions given to the landdrost and heemraden, that he might compare the accounts with the instructions, and see that no serious deviations have taken place; commencing with those of 1812 laid before the committee, and upon which the reasonings of the committee are principally founded.

The committee propose to write circular letters to the respective landdrosts, to call upon the inhabitants, at their opgaaf, to state the amount of their property arising from profession, office, or interest of money, or slaves hired out, over and above what they state to be the produce of their places.

The committee recommend that each individual should make this return of income where he principally resides, and that no

individual should be exposed to a second return in any other place, having made one. We have &c.

(Signed) HENRY ALEXANDER,
G. KEKEWICH,
J. A. TRUTER,
D. DENYSSEN.

[Original.]

Letter from REAR ADMIRAL TYLER *to* J. W. CROKER, ESQRE.

*Semiramis, SIMONS BAY,
CAPE OF GOOD HOPE, 18th March 1814.*

SIR,—In reference to Mr. Barrow's letter of the 29th October last, transmitting a copy of one written to Commissioner Dundas on the subject of the removal of the Naval Establishment from Cape Town to Simons Town, I request you will inform the Lords Commissioners of the Admiralty that from the moment the Commissioner communicated to me his determination to commence building the New Store Houses, &c., whose letter on the occasion I transmitted to their Lordships, I made Simons Bay, instead of Table Bay, the Rendezvous of the Squadron under my Command, in order more effectually to render all the aid it could furnish in carrying the measure into execution; and every assistance of Working Parties and Artificers from the Ships has been afforded to the extent of the Commissioner's wishes. Whenever Commissioner Dundas shall consult me on any point connected with the removal of the Establishment, I shall in obedience to their Lordships' commands give him all the co-operation and advice in my power. I have &c.

(Signed) CHAS. TYLER.

[Original.]

Letter from Mr. JOHN MCKENNY *to* HENRY GOULBURN, ESQRE.

22 YORK PLACE, CITY ROAD, *March 26th 1814.*

SIR,—I waited upon you some time ago with the enclosed letter from Dr. Coke, but had not the honor of seeing you as you were

out of town. I am the person referred to in the letter, and expect to sail from Portsmouth to the Cape of Good Hope in the course of the ensuing week, or the week after. I trust Sir you will have the goodness to excuse my troubling you at this time, and believe me to remain &c.

(Signed) JOHN MCKENNY.

[Copy.]

Letter from CAPTAIN HORNBY *to* VICE ADMIRAL TYLER.

HIS MAJESTY'S SHIP *Stag*,
SIMON'S BAY, 26th March 1814.

SIR,—I have the honor to inform you of my arrival here this day, and to detail to you my proceedings since quitting this Bay in pursuance of your Orders of the 20th Ultimo. Owing to a continuance of strong Easterly winds with a Lee Current we did not reach Algoa Bay till the evening of the 11th Instant, at which place the Commanding Officer of the Troops could give me no further information respecting the Wreck of the *William Pitt* Indiaman beyond what I had the honor of formerly transmitting to you.

After remaining there two days, finding from the Surf that it was impossible to land the Stores for the Troops, I thought it advisable without further loss of time to proceed to the Bird Islands, between which and the Main Land we anchored on the 15th, running in by the Western passage, which we had previously sounded in the Boats. I am sorry, however, to say that this Roadstead can answer no Naval purpose beyond perhaps affording some shelter to any Ship which might find herself obliged by stress of weather to anchor, which she might more safely do within the Islands than on any other part of the Coast.

These Islands (which are three in number) are connected by reefs of Rocks, the whole group extending from three to four miles S.E. and N.W. by Compass; they afford shelter from the winds from S.W. to S.E. by S., whilst the point of Cape Padroon may be brought to bear E. by S., and the land at the Western extremity of Algoa Bay as far as W.N.W., but this latter is at too great a distance to afford much shelter; the anchorage may there-

fore be said to be open to all Winds from N.W. to S.W. and from S.E. by S. to E. by S. As, however, the Eastern passage is equally clear with the Western one, a Ship not liking her situation may put to Sea with every Wind in the darkest night without risque, and even with the Wind at South she would clear the Land on one Tack or other.

The Islands lay along five miles from the Shore, the deepest Water within them being 22 fathoms, the shallowest 9, with a bottom of hard Sand, small stones, and in places pieces of Coral Rock, and I think there are no dangers but what appear above Water; but the circumstance which takes from the place all its value is the difficulty, if not impossibility, of landing on the Main, where the Surf is even higher than in Algoa Bay. Having in vain attempted this, I thought it would be of no service examining the place more accurately or remaining there longer, we therefore weighed on the morning of the 16th, running out by the Eastern passage, which is clear and open, tho' the Soundings are more irregular than in the Western one.

Before I quit this subject I must remark that the Islands abound with Seals, which may be killed with ease, as they go so far from the Water as not to be able to regain it speedily, and small vessels might load here with ease and safety, but I should not recommend it as a place for larger vessels to run into unless in a case of necessity.

I have the honor to enclose you a small plan of the Islands and anchorage as taken by Mr. Fitzmaurice, Master of the *Semiramis*, together with some remarks by that Officer. And in pursuance of your further directions to endeavour to ascertain the correct Longitude of Algoa Bay as well as that of the Islands, I think I may say from repeated observations, both by chronometers and lunar, that the Longitude may be relied on as being $25^{\circ} 39' 45''$ E., agreeing precisely with what it is laid down in Lieutenant Rice's Survey of it, as given in the Admiralty Book of Places of Bays on this Coast, but differing one degree from the situation assigned to it in the Admiralty Charts. The Latitude of Bird Islands will be $33^{\circ} 48'$ S. and Longitude $26^{\circ} 20'$ E.

It further appears to me that the error in the Admiralty Charts is from about Cape Delgado to Cape Padroon, in which space they in some way or other gain a distance of 60 miles of coast more than really exists, or possibly the error may begin a little further

to the Eastward, not extending beyond Cape Legullas, which appears to be pretty accurately laid down as to Longitude.

We reached Algoa Bay on the 17th, and were detained there from the difficulty of landing through the Surf till the morning of the 22nd, since which time we have been making the best of our way to this anchorage, without having seen anything on our passage worthy of being noticed. I have &c.

(Signed) P. HORNBY, Captain.

[Office Copy.]

Letter from HENRY GOULBURN, ESQRE., *to*
LORD CHARLES SOMERSET.

DOWNING STREET, 29th March 1814.

MY LORD,—I am directed by Lord Bathurst to introduce to you Mr. John McKenney, who is about to proceed to the Cape of Good Hope in the Character of a Missionary. Lord Bathurst is satisfied that your Lordship will be disposed to afford him every facility for furthering the important object which he has in view, and that it is consequently unnecessary to give him a more particular recommendation to your favor and protection.

The Character which this Gentleman bears gives Lord Bathurst every reason to believe that he will not fail to temper his zeal with a proper degree of discretion, and that he will be anxious to conform himself to the wishes and Orders of the Government; and his Lordship has therefore had the less hesitation in giving him the permission which he has solicited to proceed to the Cape of Good Hope, and to reside there so long as he shall continue in your opinion to conduct himself with judgment and propriety.

I have etc.

(Signed) HENRY GOULBURN.

[Copy.]

Report of the Committee upon the Wine Licenses.

CAPE TOWN, 29th March 1814.

SIR,—The Committee appointed by your Excellency to report “in what manner in an enlarged point of view the subject of discontinuing the Wine Licenses in this Colony, as directed by His Majesty’s Government, can be best accomplished with equal reference to the interest of His Majesty’s Revenue, the wine grower, the wholesale and retail merchant and the exporter to foreign markets,” have the honor to report to your Excellency that they have taken the whole subject into their most serious consideration, and after having carefully perused all the papers laid before them, they are humbly of opinion that notwithstanding the wine monopoly forms one of the most productive branches of the Revenue, and that consequently the discontinuance of the same, if not replaced by other sources of income, would occasion a material deficit in the finances, yet the Committee trust that the whole or the greatest part of what was formerly paid into His Majesty’s Treasury on account of this monopoly may be raised by the introduction of the following taxes, which cannot be considered as burthensome either to the wine grower, the consumer, the wholesale and retail merchant, or the exporter; and the Committee therefore recommend the substitution of the same in lieu of what has hitherto been paid to His Majesty’s Government for the wine and brandy licenses, viz. 1st. An impost of 10 Rds. on each leager of wine and 20 Rds. on each leager of brandy brought into Cape or Simons Town, subject to a drawback upon exportation. 2nd. Also an impost of 5 Rds. on each leager of wine and 10 Rds. on each leager of brandy sold in the country; and of 3 Rds. on each leager of wine and 6 Rds. on each leager of brandy used by the wine grower himself.

3rd. To augment the licenses of the wholesale merchants from 50 to 200 Rds. annually.

4th. To oblige all persons wishing to retail wine or brandy to take out quarterly a license written on a stamp of 30 Rds., and finally

5th. By a duty of 2 Rds. on each half aam of wine and of 6 Rds. on each half aam of brandy bought from the wine merchant

in Cape Town or Simons Town or wine grower in the country districts, for the sake of retail.

The amount of the above taxes, the committee are of opinion, will amply secure to His Majesty's Treasury the sum formerly paid for the wine and brandy licenses, which on an average for the three last years amounted to 95,000 Rds., and with this view call your Excellency's attention to the following calculation :—

	Rds.
6,300 leagers of Cape wine brought into Town during the last year at 10 Rds. per leager. .	63,000
402 do. of brandy at 20 Rds.	8,040
25 licenses for wholesale merchants at Rds. 200 each	5,000
50 do. for retailers at Rds. 120 each	6,000
12,000 half aams of wine retailed in the shops at 2 Rds. per $\frac{1}{2}$ aam	24,000
2,400 do. brandy at Rds. 6 per half aam	14,400
Tax on wine consumed and sold in the country districts	15,000
	<hr/>
	135,440

Deduct.

	Rds.
Duty paid at present on wine brought into Cape Town at Rds. 3 per leager	18,900
Do. on brandy.	1,250
Draw back on wine exported, say 3,000 leagers per annum at 7 Rds.	21,000
Present licenses to wholesale merchants	1,250
Supposed expense of collection	5,000
	<hr/>
	47,400
Balance	88,040

The collection of the above duties in Cape Town should be made in the office of the Collector of Tythes, to whose department one or two clerks should be added; at Simons Town by the Deputy Fiscal, and in the country districts by the Landdrosts, adding in the wine districts (Cape and Stellenbosch) a clerk to the Secretary's Establishment.

The Committee having pointed out to your Excellency the new Taxes which should be imposed, and how they should be levied, further beg to recommend to your Excellency to leave the retail of Cape wine, European wines and beer, as also strong liquors

&c. open to every one desirous to undertake it, subject to the following regulations :—

That the retailer of Cape wine, brandy and other strong liquors, shall be provided with a license from Government written on a stamp of 30 Rds.

For the retail of European wines and beer a similar license shall be required on a similar stamp, which licenses are to be renewed at the end of every three months.

That European wine and beer and strong liquors may be bought where the same are to be got, provided in no lesser quantities than is expressed by Proclamation of the 1st September 1804. But that Cape wine and brandy in Cape Town and Simons Town for retail shall only be taken from some of the licensed wine merchants.

That in the country districts the retailer will be at liberty to take his wine from the wine growers, but in no smaller measure than a half aam.

That neither the wine merchant nor the wine grower respectively shall be allowed to sell any liquor to a retailer without a special permit, written on a stamp of Two Rds. for each half aam of wine and 6 Rds. for each half aam of brandy, signed in Cape Town by the Deputy Fiscal and in the Country Districts by the Landdrosts, subject to a penalty in contravention of Rds. 300.

That every licensed retailer is to stick up a board, expressing the several liquors he is allowed to retail, the default subject to a penalty.

That the wine merchant and wine grower shall be obliged to keep during eight days after the delivery of any wine or brandy to a retailer, a sample of the wine or brandy so delivered, in order to enable His Majesty's Fiscal and other competent officers to ascertain the quality of the retailed liquors.

That all the retail shops shall be subject to the inspection and such further regulation of His Majesty's Fiscal, the Landdrost, or other competent officers, as often as they might deem it necessary.

The wine grower on bringing his wine and brandy to town shall pay a toll of 10 Rds. for each leager of wine and 20 Rds. for each leager of brandy, in lieu of the 3 Rds. paid till now under the name of Vatgeld.

No wine to be allowed to pass the barrier in any cask less than

152 gallons, without a permit from the office of the collector of tythes.

In the country districts the wine grower shall pay to the Colonial Revenue 5 Rds. for each leager and 1 Rd. for each half aam of wine, and 10 Rds. for each leager of brandy and 2 Rds. for each half aam of brandy which he sells and 3 Rds. for each leager of wine and 6 Rds. for each leager of brandy which the wine grower consumes in his own family beyond the lines, or in that proportion.

This payment shall be made at the annual opgaaf when the wine grower shall be obliged to produce a certificate from the collector of tythes of the quantity delivered in Cape Town or Simons Town, and declare, if required, on oath what he has actually left in his cellar, in order by comparing these two quantities with the Opgaaf to ascertain the quantity disposed of or consumed in the country, and subject to the above tax.

No wine or brandy to be retailed in the country districts without a license from Government or the permission of the Landdrosts in those parts where the Landdrost does not think it advisable to recommend the usual license, which however shall be subject to such future charge on behalf of the general Revenue as shall be thought proper.

Every wine merchant in Cape Town and Simons Town shall be obliged to provide himself with a license from Government written on a stamp of 200 Rds., and further be subject to all the existing regulations.

That no wine merchant or wine grower shall be allowed either directly or indirectly to have any further concern in the benefit or profit of the retail of wine or brandy but what accrues from the delivery of his wine or brandy by half aams, on pain of being subject to a fine of 1,000 Rds.

Persons retailing wine, brandy, or any other liquors the subject of these regulations, without a license as aforesaid, and permit mentioned in the 4th Article, to be liable to a penalty of 300 Rds. or six months' imprisonment.

In case any wine, brandy, or other liquors be on inspection found to have been adulterated, the retailer shall forfeit his running license, and all the liquor found in his shop. And if the wine merchant or wine grower shall have so offended, he shall

over and above the confiscation of the adulterated wine, &c., be liable to a penalty of 1,000 Rds.

All Boarding Houses, Kost Huizen, Billiard Houses, and Societies shall, over and above the existing charges, be subject to take their wine and brandy from one of the licensed wine merchants on a permit of the collector of tythes, under the same penalties and restrictions as well for the inn or society keeper as for the wine merchants themselves, as in regard to common retailers have been prescribed.

All existing regulations relative to the retail of wine and other liquors, particularly those contained in said Proclamation of the 1st of September 1804, to remain in force, as far as the same are not altered or modified by these presents; while all fines which, according to former regulations, would have gone in behalf of the farmer (Pachter) shall in future be paid into the general revenue of Government.

After having submitted to your Excellency the foregoing regulations, the Committee further beg leave to recommend that the drawback on the export of the Cape wine from this Colony for a foreign market in any quantity not less than 5 pipes should be fixed at 7 Rds. per leager, and brandy at 17 Rds. per leager, to commence on the 1st September 1815.

And finally the Committee take the liberty to suggest to your Excellency the propriety of reviving and again enforcing the 12th Article of the Proclamation of the 1st September 1804, by which it is directed that the ordinary Cape wine is to be brought into Town only from the 1st of September to the 31st of January inclusive. We have &c.

In the name of the Committee.

(Signed) ROBT. MEADE,
Lt. Governor and President.

[Office Copy.]

Letter from LORD BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 30th March 1814.

MY LORD,—With reference to my dispatch No. 27 to Sir John Cradock, I have the honor of transmitting for your Lordship's

information, the Copy of a Letter from Mr. Hamilton, enclosing the Copy of one from Viscount Strangford on the same subject.

I have etc.

(Signed) BATHURST.

[Original.]

Letter from SIR JOHN CRADOCK *to* LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, 30th March 1814.

MY LORD,—I have thought it might not prove unacceptable to send your Lordship a view of the Law in this Colony as respecting Slaves, or rather the state of slavery as it prevails.

The compilation, for so it may be esteemed, has taken a considerable time, and given much trouble to His Majesty's Fiscal, Mr. Denyssen, as he has been obliged to extend his researches throughout a great mass of the Statutes of India and Batavian Regulations, which from the control of Batavia over this Dependency gave the general Law to this Colony. To me this whole subject appeared of uncertain operation and doubtful explanation, according to different notions that might be entertained by the several legal authorities. I therefore conceived it would be satisfactory to have in the possession of the Colonial Government one uniform Digest prepared by the hand of their first executive law officer.

I have great pleasure in submitting to your Lordship my strong opinion that, notwithstanding some painful instances I might adduce, and which would, as far as they go, militate against such a judgment, the state of slavery in this Settlement is of a mild nature, and this unhappy class of people are better treated than in any other part of the world where I have been. I have the further gratification to add that the principle of beneficence has taken a deep root, and cannot fail to spread in every direction.

In the consideration, however, of this view of the situation of the slaves, and I fear the distinction may be extended to every person of color (although in the happy enjoyment of Christianity), your Lordship will observe that his direct testimony is not received,

and that in fact he gives no evidence according to any form, a regulation which seems to be admitted in most other countries. It is unnecessary to state, that such a disability and privation at once destroys the best privileges of human nature, and leaves justice to chance, or worse, the passions and injustice of the persons opposed to so helpless a claimant.

If the time come to revise and regulate the Laws of this Colony, I should hope that this subject will receive early consideration.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from the REVEREND DR. WERNINCK *to* H. FAGEL,
ESQRE.

CAMBERWELL, 31st March 1814.

SIR,—In consequence of Lord Bathurst's application to your Excellency for 3 or 4 Dutch clergymen who would like to go to the Cape of Good Hope, which you communicated to me, I have written to my friend the Revd. D. C. van Voorst, one of the ministers of the Dutch Church at Amsterdam, requesting him to inquire if such gentlemen were to be found. Last week I received an answer from him, that he had published the above vacancies in one of the monthly magazines (*De Boekraal*) upon which he had received several applications, but found them not deserving of any notice on account of the insufficient respectability or incapacity of the applicants. However he had lately been applied to by others, whom after particular enquiries for their moral character, capacity, &c., he could safely recommend to the notice of his Lordship, but they had put to him some questions which he wished me to answer first, before any arrangement could be made. Not finding myself able to do this without further information, I beg leave to state them to your Excellency, requesting that you will have the goodness to lay them before his Lordship. They ask

1. If any sum of money be allowed for their equipment, books, travelling expences from Holland to this country, and their residence here, till they can proceed to the Cape?

2. In case they have a family, whether these expences are encreased according to the number of their family?

3. If they are obliged to remain at the Cape during their lives or for a certain period; in case of the latter, whether they will have a free passage back to Europe with their families?

4. In case of their death, whether any provisions are made for their widows and families in such a distant country?

5. If the salary commences from the day of their appointment, or from their arrival in England, or from their arrival at the Cape?

These are the principal questions my friend has received from the applicants. He could only tell them what your Excellency had communicated to me, that the salary would be 1500 Rix-dollars, that they would have a free passage from England and two guineas per week during their detention in this country.

Hoping that I shall soon be enabled to send my friend a satisfactory answer for the sake of the inhabitants of the Cape.

I have etc.

(Signed) J. WERNINCK, D.D.

[Original.]

Letter from H. HAMILTON, ESQRE., to HENRY GOULBURN, ESQRE.

FOREIGN OFFICE, 1st April 1814.

SIR,—I am directed by the Secretary of State to transmit to you for the consideration and opinion of Earl Bathurst the copy of a note from Mr. Fagel, Dutch Ambassador at this Court, conveying the request of Mr. Bebbers for a special licence from His Royal Highness's Government, permitting him to export a cargo of goods direct from Holland, on board a Dutch vessel, to the Cape of Good Hope, and to import in return a cargo of the produce of that Colony. I am etc.

(Signed) H. HAMILTON.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it appears necessary and befitting the growing prosperity of this Colony, throughout which the communications from all parts, even the most distant, (so different from old times), are now become easy and frequent, that all transactions, of every degree, should be directly placed under the immediate view and active control of the Supreme Authority; and whereas above all others, it is indispensably required, that every species of Taxation or imposition upon the people, as well in Cape Town, as throughout every District, should, in future, not only arise with the Supreme Government, but be altogether dependent upon it, in every part of its operation;—and whereas it is further essential, that all Assessments, throughout the Settlement, should be made upon uniform, avowed, and universally known principles;—and whereas, also, the Supreme Government, from its nature, from the superior information it commands, and the comprehensive view, of necessity, it impartially takes of the advantage of the whole Community, is alone qualified to accomplish so difficult a task, or diffuse that general satisfaction or contentment, so rarely to be found in every subject of this ungracious and peculiar cast, and which nothing will gain, but through the uncontroverted stamp of the highest authority.

I have therefore, from all these powerful motives, aided by the most able advice and highest legal assistance in this Colony, devoted the utmost attention to the whole consideration, and, in consequence, do hereby enjoin and promulgate the following Regulations, which will altogether confirm to the Inhabitants of this Settlement, the paternal regard of His Majesty's Government, and the unceasing vigilance and decided resolve, that every proceeding should bear the full character of positive Law, equity, and impartial Justice, which, it is firmly expected, will be answered by becoming gratitude, and the due and cheerful obedience to the general Regulations of the State.

1. That the taxes throughout the Country Districts, Cape District included, shall be regulated on the same principles, and that as well the amount of all ordinary Taxes, as the objects

for taxation of the same, shall be equal in all, and every District.

2. That the Cape District, to commence with this current year, shall have the administration of its own Finances, separated from Cape Town.

3. That the Taxes in Cape Town, and in the several Country Districts, shall be distinguished in ordinary and extraordinary taxes, the latter to continue only so long as the exigencies, for which they are raised, continue to exist.

4. That no Tax whatever shall be levied in any part of the Colony, without the previous sanction of Government, and subsequent legal promulgation of the same by way of Government Proclamation.

5. That each Tax, as well ordinary as extraordinary, shall always be levied separately, and entered in the same manner, so that it may be known to every contributor, what he has to pay for each item of taxation.

6. That in Cape Town, the ordinary taxes are to consist in :

(a) Hearth money.

(b) Ordinary Assessments.

And the extraordinary Taxes in :

(c) Contribution to the Water Pipes, and

(d) Commando Tax.

7. That Hearth Money shall continue to be levied at the present rate, and a separate account kept of the same, and that the ordinary assessment, instead of the general way of taxing each person, according to his apparent wealth and income, shall be taxed according to his income *alone*, either arising from office, profession, trade, commerce, slave hire, and other sources of a life interest, or other temporary nature, or from houses, mortgages, debts, &c., of a permanent and transmissible nature.

8. That the Extraordinary Assessments for the Water Pipes shall continue on the present footing, until the pleasure of His Majesty is received, according to the classification of houses, made by the Burgher Senate, and approved of by Government, which classification will be published for information.

9. That the Commando Tax shall be regulated after the ordinary assessment, by making a proportionate augmentation of the same.

10. That the Burgher Senate shall form a classification of the respective Income of the burghers and inhabitants of Cape Town,

and make a proportional assessment whereby the same sum, now raised under the denomination of Ordinary Tax, Street Tax, and Extraordinary Assessments, be produced, and no more.

11. That this classification shall be laid before Government, and after having been approved of, shall be promulgated without the addition of any one's name, with the sole view of enabling those, who on learning the amount of their assessment from the Burgher Senate, might deem themselves thereby aggrieved, to seek for redress in a regular manner.

12. That any Individual who conceives his Income overrated may, upon oath, class himself, liable to a penalty of five times the amount of the Tax, when detected in a false classification, besides the usual penalty of perjury.

13. That in cases of persons denying money due to them for the purpose of evading taxes, upon a certificate given of such denial by the Burgher Senate, or other competent Magistrate, no suit at Law for the recovery of such debt shall be entertained in this Colony.

14. That in the Country Districts, the Ordinary Taxes are to consist in :

(a) Head money.

(b) Tax on Cattle.

(c) Tax on Produce.

And the Extraordinary Taxes in :

(d) Commando Tax.

(e) Contribution for waggons, horses, &c., required for the public service of Government.

15. That the ordinary taxes are to be levied according to the hereunder inserted tariff, viz.

Head Money.

	Rds.
All heads of families, men and women, all men above 16, and all women above 20 years of age, per head .	2½

Cattle.

	Stvs.
Each head of black cattle	2
saddle or waggon horse	4
breeding horse	2
25 sheep, goats, or pigs	6

Produce.						Stivs.
Each muid of wheat,	}	.	.	.	.	2
rye,						
barley,						
oats,						
Each leager of wine	.	.	.	.	.	16
brandy	.	.	.	.	.	36

16. That the Extraordinary Taxes in the country shall be regulated after the same tariff, by making a proportionate augmentation on the items of taxation.

17. That for the contribution of required waggons, &c., no more shall be assessed than the actual amount, which is to be paid for the last year's requisition.

18. That the local charges in some districts, viz.

(a) *Church tax* in Swellendam, George, Graaff Reynet, and Uitenhage,

(b) *Turnpike*, in Swellendam and George,

(c) *Flying bridge toll*, in Stellenbosch and Swellendam,

(d) *Tax on each waggon load of timber*, in George,

are to continue in these respective districts, to wit: *Church money*, (until the debts of the church shall be duly discharged), at the rate of four stivers per week for each place, and two stivers per week for each erf; which tax shall, in future, also be levied in those country districts where the church is still charged with debts;—and the three other charges according to the thereof existing tariffs, which are also to be published for information.

19. That, however, *Church money* shall only be paid for the church of the parish to which the places and erfs belong;—and *Flying Bridge Toll*, as well as *Turnpike Toll*, only by those who make use of the same.

20. That the *Turnpike Toll* at both the entrances of the Village of Swellendam shall cease, unless the same shall by Government be deemed necessary for the repairs of the roads in that district.

21. That the *School Tax* in the country districts, and in particular the contribution at Graaff Reynet, for the buildings of the drostdy, and the waterdam, shall not be considered and levied as extraordinary taxes, but henceforth be comprehended in, and defrayed out of the ordinary revenue of those respective districts.

22. That for so far as any of the inhabitants of the country districts may not have either cattle or place, or, over and above

such property, have any other income, whether from interest of money or other sources, such inhabitant shall contribute in like proportion as those in Cape Town, and be subject to the same penalties in case of fraud.

23. That the wealth of the several country districts, in consequence of the different extent of population and produce in the same, being different also, the balance in favor of one district, shall be subject to the disposal of Government, in behalf of one or more of the other districts. It being expressly forbidden, to exceed in any one district the ordinary expenditure, on account, or on the ground of a balance in favor of the same, unless for reasons approved of by Government.

24. That the amount of receipt and expenditure in Cape Town, and the several country districts, shall, at the expiration of every *twelve* months, be subject to be audited, as all other public accounts, and be made public in the weekly *Gazette*; in order to enable those, who might have been aggrieved, to bring their complaint in a regular manner before the local Magistrate; and further, if need, to lay the same before me, or before the Governor for the time being.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 1st day of April, 1814.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *April 2nd* 1814.

MY LORD,—I have the honor to represent to your Lordship that two Portuguese slave ships were lately driven into this Port through stress of weather, the case of one of which seems to claim especial consideration.

The *Triumfo do Inverno* arrived in this port with much difficulty in the utmost distress, having lost her rudder, and nearly deficient of all means of navigation, all her provisions and the cooking place

been destroyed, and had she not gained this station the vessel and all the crew must have perished.

As soon as the indispensable precautions about the health of the ship were provided for, humanity dictated that immediate measures of relief should be taken and the necessary succour given, even to a vessel pursuing this trade so decisively prohibited by all the English laws. Without repair, without a supply of food, the ship and all the crew must have perished under our view. The master had no money or means of procuring it without the special interference, or, as it has turned out, actual payment by the Colonial Government. All this has been done, and the vessel has taken her departure, but I am concerned to add that twelve slaves died, notwithstanding every assistance, in Table Bay, in addition to eighty-seven who fell victims in the short passage from Mozambique. The *Felix Dia* presents nothing remarkable except the very crowded state in which the wretched slaves must have been, but I understand they were as well fed and treated as circumstances would permit.

I almost believe I have acted against the letter of the Act of Parliament in affording such extensive succour to a vessel of this description, but the nature of the case will, I have no doubt, justify my conduct. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from MR. H. FAGEL to HENRY GOULBOURN, ESQRE.

CURZON STREET, *Saturday, 2nd April 1814.*

DEAR SIR,—I beg you would have the goodness to lay the enclosed letter before Lord Bathurst. It is from the Revd. Dr. Werninck, Minister of the Dutch Church in Austin Friars, and refers to a communication I received in the course of last year from Lord Bathurst respecting His Lordship's wish to send some Dutch ministers of the reformed Church to the Cape of Good Hope.

I shall be obliged to you to inform me what answer Lord Bathurst will authorise me to make to the several questions contained in Dr. Werninck's letter. I have etc.

(Signed) H. FAGEL.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE,
CAPE TOWN, *April 5th 1814.*

MY LORD,—I take the Liberty to draw your Lordship's attention to the enclosed Proclamation, which, with the other papers annexed, will inform your Lordship in what a defective, and I may add confused a state, the Local Taxation throughout the Country Districts was placed, and how much was left to the will and fancy of the resident Magistrate.

I can only attribute so irregular a system to the great distance of the Districts from the Seat of Government, and the want of established and frequent communications; but as these latter unfavorable circumstances are much amended, it seemed very necessary to put so delicate a matter as taxation of any description upon an assured and uniform footing, and by the proper promulgation from supreme authority at once silence the spirit of dissatisfaction which upon many occasions displayed itself.

I must do justice, however, to the Inhabitants of this Colony in expressing that they seemed at all times ready and cheerful in the payment of any assessments when they knew they arose from the highest authority, but they appeared, and not without reason, jealous and impatient under any imposition which they conceived took place according to the will and operation of the inferior magistracy.

Your Lordship will observe from the date of my Memorandum how long this subject has occupied my attention, but the proceedings required the greatest consideration, and the full examination of all the accounts (the voluminous detail of which it may be unnecessary to submit to your Lordship) of the District Treasuries, and had I not received from the Chief Justice (Mr. Truter) the most laborious and able assistance and advice, I could never have accomplished this important measure in the manner, as is now the case, to give universal satisfaction.

A Committee is now sitting to define the general Expenditure of the Districts for local purposes, and to make the Landdrosts responsible for uniform and authorized proceedings on this head,

which when executed will place the whole subject upon a proper Foundation. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *April 5th* 1814.

MY LORD,—I have the honor to acknowledge your Lordship's dispatch (No 26) of the 3rd December 1813, relative to the Missionary Societies within this Settlement, and from the favorable sentiments entertained of their utility, expressing the directions of his Majesty's Government to attend to their applications for land &c., and to place them upon a permanent and established Foundation.

I shall take the liberty to solicit your Lordship's attention to my dispatch No. 70 to your Lordship, with all the papers and correspondence annexed, which, I trust, will prove to your Lordship with what interest and zeal previously to the knowledge of your Lordship's sentiments I had viewed all their applications, and only stipulated in return for the fullest favor of the Colonial Government that they should manifest decided marks of industry and common cause with the general concerns of the Community, without which it would be unwise to conceal from your Lordship that assuredly their residence, notwithstanding specious reasoning, would prove of disadvantage rather than benefit, in a country where from peculiar and local circumstances no person can be idle without positive detriment.

Upon the points more immediately arising from your Lordship's dispatch, the Missionary Establishments at Groene Kloof and Gnadenthal, I beg to submit to you two memoranda I placed in the Colonial Office upon this subject.

It has been strongly represented to me that I should exceed my powers, and indeed that I should violate the law, if I went to the extent of giving to these Societies irrevocable grants of land, as it might be termed Mortmain, and I had intended to limit the proceedings to strong declaratory acts in their favor, which I conceived

would secure to them unmolested possession from any succeeding Government, but at present my successor, to whom I shall make over all papers upon the subject, will feel himself authorized to adjust their applications upon the most assured foundation.

I am happy to conclude this communication by expressing to your Lordship my opinion that all the Missionary Establishments seem sensible of the necessity of more activity and usefulness in the common avocations of life, and that their professed piety will be accompanied by the no less necessary attentions to appearance and regard to all those more minor circumstances that attract the approbation of an indifferent world. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, *April 5th 1814.*

MY LORD,—I have the honor to transmit to your Lordship the report from the Committee which I appointed to consider upon the best means of carrying into execution the desire of His Majesty's Government that the Wine Monopoly should be abolished with the least practicable detriment to the Colonial Revenue.

I beg to express that this subject has been deeply investigated by the Committee, composed of persons not only competent to give the best advice, but also most interested in the proceeding, and that the suggestions they offer have met with my extreme approbation and acknowledgments.

I should suppose that my successor will adopt these measures at the termination of the present contract on the 14th August next. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE,
CAPE TOWN, *April 6th* 1814.

MY LORD,—I have the satisfaction to lay before your Lordship that I have been able to procure a large store at Simons Town, which under considerable alteration and at some expense has been rendered a very commodious and respectable place of worship, whereby the more expensive design and plan of a large church, as formerly submitted to your Lordship, is laid aside. From the economy of the present arrangement I have also been enabled to build a suitable dwelling house for the Clergyman, adjoining the Church; and the whole, I have the pleasure to express to your Lordship, will form a very creditable Church Establishment, under the expense of Five Thousand Pounds.

The church will open next Sunday, and I have given to it the name of St. George, grateful in the ears of the English inhabitants, who form the superior body in the place.

I subjoin the expenses of the Ecclesiastical Buildings, but, except in the original cost of the store, the other Charges, being upon estimates, (as is always the case), may experience some addition. I have &c.

	(Signed)	J. F. CRADOCK.
Simons Town :		
The Store purchased . . .		Rds. 10,500
Supposed Expenses . . .		7,800
Do. of Parsonage . . .		12,038
		<hr/>
	Total	30,338 Rds.

[Original.]

*Letter from SIR JOHN CRADOCK to LORD BATHURST.*GOVERNMENT HOUSE,
CAPE TOWN, *April 6th* 1814.

MY LORD,—I have the honor to inform your Lordship that 50 half aums of Constantia Wine will be shipped on board the *Baring*

Transport, proceeding to England with a part of the 93rd Regiment, under convoy of the *Semiramis*.

The late year has been uncommonly unproductive, so much so that instead of 120 half aums, the usual quantity to be received, only 18 were delivered from the vineyard at Constantia.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT GENERAL LORD CHARLES HENRY SOMERSET, Colonel of His Majesty's 1st West India Regiment, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c., &c., &c.

Whereas His Royal Highness the Prince Regent, in the Name and on Behalf of His Majesty, by Letters Patent, bearing date at Westminster, 2nd November 1813, has been graciously pleased to nominate and appoint me Governor of this Settlement, with the Territories and Dependencies thereof; and having this day taken and subscribed the Oaths accordingly,—Notice is hereby given to all Officers, Civil and Military, and all Persons and Inhabitants whatsoever are hereby called upon, from the date of these presents, to obey all Orders and Commands that may from time to time be issued by me.

God save the King!

Given under my Hand and Seal at the Cape of Good Hope, this 6th day of April, 1814.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHETWYND to HENRY GOULBURN, ESQRE.

COUNCIL OFFICE, WHITEHALL, 7th April 1814.

SIR,—The Lords of His Majesty's most Honourable Privy Council having had under their consideration your letter of the 5th instant, transmitting by the direction of Earl Bathurst the copy of a letter from Mr. Hamilton and of a note therein referred to from the Dutch Ambassador conveying the request of Mr. Bebbier that a special Licence may be granted to him to export a cargo of Goods direct from Holland on board a Dutch vessel to the Cape of Good Hope, and to import in return a cargo of the produce of that Colony; I am directed to acquaint you, for the information of Earl Bathurst, that the Lords of the Council have uniformly refused applications of this nature made by individuals, on an understanding that the indulgence in contemplation to the Dutch is intended to be confined to their late Possessions in the West Indies; I am however to add that their Lordships will be governed in such instances as the present by a communication of what is intended to be done respecting a direct trade from Holland to the Cape of Good Hope. I am etc.

(Signed) CHETWYND.

[Original.]

*Letter from THOMAS COURTENAY, ESQRE., to
HENRY GOULBURN, ESQRE.*

NEW NORFOLK STREET, April 11th 1814.

SIR,—I beg leave to request that you will recall Lord Bathurst's attention to the letter which I did myself the honor of writing to you on the 18th of June last, as well as to the correspondence to which that letter referred, relating to the trade of the Cape of Good Hope.

The intercourse between the Cape and the several ports and places to the Eastward, mentioned in my said letter, viz. the British Possessions in India, Ceylon, Java, Bourbon, and the Mauritius, is, I apprehend sufficiently provided for by the Act

54 Geo. 3, Cap. 34, which after allowing of the free trade between all ports and places lying within the limits of the East India Company's Charter, enacts that for *the purpose of that trade* the Cape shall be considered as being within those limits.

To this freedom of trade however, one exception is opposed by a provision in His Majesty's Order in Council of 12th April 1809, to which I endeavoured to call Lord Bathurst's attention in my former letter. That order declares it to be "the King's Pleasure that no Goods or Merchandize the produce of the Countries to the Eastward of the Cape be imported into the said Settlement except by the East India Company, and that no such Goods or Merchandize be exported from thence, except for Sea Stores only, or by the East India Company or their Licence."

The exclusive privileges of the East India Company, except in so far as it regards the China and Tea Trade, having been discontinued by the Legislature, I venture again to express the hope, on behalf of the Cape, that the privilege given to that Company in regard to that Settlement will also be abolished, by order of His Majesty in Council.

Another point arising out of the late arrangement respecting the trade heretofore confined to the East India Company, will require, as I humbly submit, the interference of His Majesty in Council. By the 7th Section of the Act 53 Geo 3, Cap. 155, all the Countries situated within the limits of the Company's Charter, that is between the Cape of Good Hope and the Straits of Magellan, are to be considered for the purpose of the Navigation Laws, and particularly of the Act 12, Ch. 2nd, Cap. 18, Sect. 4, as one Country; and thus all Goods the produce or manufacture of any Country within the limits may be brought from any Country within the same limits, for instance the produce of Bengal may be brought into England from the Isle of France.

It is, as I submit, difficult to conceive that the policy which dictated this provision in regard to places so situated as the Isle of France, is not equally applicable to the Cape, or that this Settlement ought not upon the same principle to be equally with the other islands and places to the Eastward considered as one Country with the rest of those regions, but as the Act of the present Session is so worded as to include the Cape within the limits of the Company's Charter, for the specific purpose only of Trade *within* those limits and not for that of any Trade to this or any

other Country, it seems that the Cape is placed upon a footing of inferiority in regard to other Possessions of His Majesty, which cannot have been intended by the Legislature, but was left to be regulated by the authority of His Majesty in Council, to whom by the Act of the 49 Geo. 3, Cap. 17, the whole power of regulating the Trade of the Cape is committed.

I therefore venture to submit the propriety of declaring, that any Goods, Wares, or Merchandize, (except Tea) the product or manufacture of any Country within the limits of the East India Company's Charter, may be imported from the Cape of Good Hope into this country, or any of the Countries to which a free trade is permitted by the Circuitous Trade Act 54 G. 3, C. 34, anything in the said Section of the abovementioned Act of the 12 Chas. 2, Cap. 18, notwithstanding.

Understanding also, that doubts have been stated as to the legality of the export of British Manufactures from the Cape to India or other Countries to which trade is allowed; I hope that there will be no objection to declaring such export to be free.

The actual expiration of the East India Company's exclusive privileges, which event gives a new character to the commerce of the Cape of Good Hope, induces me to take the opportunity of calling Lord Bathurst's attention to these subjects. But I should add that as His Majesty's power of regulating the trade of the Cape exists only during the War, it will be necessary, in the event of Peace, to make further Legislative Provision in regard to that Settlement. I have etc.

(Signed) THOS. PER. COURTENAY.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, April 13th 1814.

MY LORD,—In obedience to your Lordship's desire, expressed in your Dispatch No. 25, I have made every necessary inquiry at the Colonial Office in respect to the claim of Dr. Emerson for remuneration for his Services in the vaccination of the Inhabitants of Cape Town.

And I now have the honor of transmitting the Report upon his Pretensions from Lieut. Col. Bird, the Deputy Colonial Secretary, who also communicates a letter from Dr. Baillie, the head of the Medical Committee, upon the subject. I have etc.

(Signed) J. F. CRADOCK.

The enclosures need not be given. They show that Dr. Emerson had no substantial claim.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE,
CAPE TOWN, 14th April 1814.

MY LORD,—I took the liberty in a recent despatch (No. 72, 5th March last) upon the occasion of a portion of the finance of this Colony, more closely the concern of the British Government, to state my opinion that the whole subject seemed to require consideration, and that, although it were judicious perhaps to avoid agitation of questions that might not prove satisfactory, yet it appeared necessary that a better understanding upon the paper currency upon which the whole rests, should prevail, and that sufficient knowledge should, as well as the case will admit, be established between his Majesty's and the Colonial Government.

So many and so widely different opinions exist, and in real fact there is so little acknowledged principle even among the most strenuous arguers upon the various points, that after all my endeavours I can do little more than lay before your Lordship a plain view of the amount, with the several periods of creation, of the whole paper money in which, it may be truly said, consists the entire circulating medium of the Colony; for the Spanish dollars in circulation are, I may add, exclusively attached to the pay of the army and other Military purposes, in the same perpetual round, and were it not for extreme precaution, would be carried out of the Colony, and notwithstanding, the quantity is evidently decreasing every day.

The papers which I now have the honor to submit will more fully shew to your Lordship the reasons that actuated me in the

consideration of this subject, and they will, at all events, put your Lordship in possession of the exact amount of this singular species of money.

I addressed myself to Lt. Col. Bird, Deputy Colonial Secretary, not only as a Gentleman of acknowledged accuracy and research, but as one who has been so long resident in the Colony, and who must be well acquainted with the successive course of opinion upon the subject.

I annex two papers from Mr. Dashwood, Receiver General and President of the Lombard Bank, who is also a person very long resident in the Colony and one who seems to have meditated much upon the circumstances, and who professes strong opinions. Mr. Dashwood's former statement, delivered to me officially upon my first arrival, exhibits a very unfavorable picture of the case, but in the succeeding one he alters, somewhat, his judgment upon the nature of the security for the paper money, and instead of supposing that specific security is required, nominally, for the separate sums created, acknowledges that the whole forms one mass of debt, for which the lands, houses, and general property of the Colonial Government is pledged in guarantee.

This, the last capitulation of 1806 seems to have confirmed, and without at all entering into the merits of that treaty, I humbly conceive that as the circulation, to the current amount, was confirmed by the 5th article, all retrospective considerations were done away, and the Colonial Government is become responsible for the prior quantity.

If this be admitted, it seems very essential to establish the most marked distinction between the Colonial and His Majesty's Government, for against the latter, on even the most extensive view of the case and under any circumstances, there can be no claim but for such monies as have been created by permission of His Majesty's Ministers since the last capture of the Colony.

My late dispatch (No. 72) will, I trust, have proved to your Lordship my anxiety to place this part of the subject upon a permanent footing; and if the measures I adopted be pursued, the whole of this creation will be done away within a reasonable time; or, if events should occasion a speedier adjustment, the just principles of liquidation are made apparent, and the necessary arrangements will follow of course.

I cannot close this subject without repeating opinions I have

before taken the liberty to express, that the Landed Revenue of this Colony is the great foundation of the financial prosperity, and I conceive it should be invariably pursued with the closest attention. It is universally acknowledged to be the substantial pledge for the paper currency, and under this full impression, in no one instance while I have had the honor to hold the administration, have I permitted the sale of any of the property of Government, or disposed of any ground that has not adequately increased the Revenue.

The applications for land are numerous, almost beyond belief, and such has been the favor lately extended to this Colony, in every point of view, that it appears to me beyond a doubt the financial resources will become greater in every succeeding year, and the settlement at length will be found but a small expense to England.

There is one point however, at present closely connected with the subject of this despatch, the high and increasing rate of exchange, (84 per cent the last bills) which carries with it increasing disquietude, for while there is so little export to meet the great influx of British commodities, the very prosperity and increased population, with its internal wealth and consequent demand for supply, acts against the value of the paper currency. It may truly be said at present, that the wine is nearly the whole export, and as the Government bills decrease from reduction in the military or naval establishments, it cannot but follow that the exchange will become higher and higher, till the depreciation of the paper currency will nearly dissolve its existence for all external purposes.

The alluring prospect of the opened trade I fear will not avert this pressure, for whatever may be the number of ships that will resort here, each vessel will try to pay her expenses by the sale of goods, and therefore only add to the importation.

It may be hoped that the exportation of Grain and Wool, if duly encouraged, may in some time be effected, but unless some sources beyond that of wine are matured, the Finance of this Colony, in my humble opinion, will ever remain in a very unsatisfactory state. I have &c.

(Signed) J. F. CRADOCK.

[Enclosure 1 in the above.]

Letter from SIR JOHN CRADOCK *to* LIEUTENANT COLONEL BIRD.

NEWLANDS, 21 *March* 1814.

MY DEAR SIR,—I have always thought that it would be right to have in the Colonial Office some regular statement of the paper money of this Colony, under all its bearings and various laws, and that a copy should be in the possession of His Majesty's Government for their pleasure, whenever they might think fit to act upon it. As it now stands, I am very sure they know nothing about it, and it is impossible to say how soon, from the circumstances of the day, they ought and would wish to have this knowledge. I am not quite sure that we ourselves, here upon the spot, have all the information, at least without research and consideration, that it is our duty to possess at a sudden moment.

I enclose an account I received from Mr. Dashwood upon my first arrival, which in many respects exhibits a very bad picture. It may, or may not, be correct, but at any rate it seems altogether required that the several points should remain in office authenticated or disavowed.

It is not my intention to agitate the subject at all, and I could wish that there was not even any conversation beyond what may be absolutely required, but I conceive that the Colonial Government is bound to transmit the view to England.

Permit me now to confide this business to you, not only from the accuracy and ability, I am always forward to say, you possess, but also from your long experience and course of reflection, from the earliest moment to the present, upon this subject.

Of course you will have the goodness to communicate this letter, under the prescribed reserve, to Mr. Alexander.

I have &c.

(Signed) J. F. CRADOCK.

[Enclosure 2 in the above.]

Letter from LIEUTENANT COLONEL BIRD *to* SIR JOHN CRADOCK.

CIVIL OFFICES, 23rd *March* 1814.

SIR,—I am not quite sure that I entirely comply with Your Excellency's commands in transmitting (in answer to Your Excel-

lency's letter of the 21st) the enclosed statement of the amount of Paper money in circulation in the Colony with the dates and circumstances of each issue. It appears to me to be all that is necessary as an office document on the subject of the currency.

I am not aware of any record in the Settlement which proves the payment of the sum of Rds. 250,000 made and issued by the British Government in 1797, but I have no doubt of the fact of its having been considered as a debt due from England to the Colony, and of the Stores remaining here at the cession of 1803 having been delivered as a set off against it.

Sir J. Craig and Lord Macartney wrote largely to the British Government on the nature and history of the Currency, and statements of its amount have been subsequently transmitted. At the capitulation of 1806 the captors guaranteed the circulation of the currency as it then stood, and the Government Lands are by the same considered as pledged for all the currency issued by the Government; this appears to do away the necessity of considering the nature of the security held out for each particular issue, the whole becoming, under the King's sanction, blended as of one description.

Is it Your Excellency's desire to have Mr. Dashwood's opinions returned or should they remain in the office records? I have &c.

(Signed) C. BIRD.

[Enclosure 3 in the above.]

Accounts in detail showing all the issues of paper money, quantity redeemed and burned, and other particulars which need not be given here, as this information appears in other papers.—
G. M. T.

[Enclosure 4 in the above.]

Memorandum by Mr. Dashwood relative to the origin of Paper Currency at the Cape of Good Hope, with its increase, &c., together with a short view of the Institution of the Lombard Bank (or Bank of Loan), its progress, and actual state.

The origin of paper currency in this colony appears to be coeval with the American War, in which the Dutch took a part, and which occasioned such a diminution of the usual supplies from the

mother country for the support of the military and civil establishments that the then Governor Van Plettenberg first conceived the idea of issuing paper money for the public service, upon no other security than the good faith of the Dutch Government and a solemn assurance that this paper money should be redeemed by specie or other valuable consideration as soon as the pressure of the existing war ceased and the Government were enabled to receive the usual supplies.

Accordingly from the years 1782 to 1784 a sum of Rds. 925,219 was thrown into circulation, and the Dutch Government seriously meaning to fulfil their solemn assurance to the public to liquidate the same, purchased between the years 1787 and 1789 by specie and Bills on Holland the sum of Rds. 825,904-34, leaving in circulation Rds. 99,315-12.

This seasonable relief, by withdrawing so large a sum out of circulation, and for a valuable consideration, seems to have established the credit of paper currency, and rendered it easy for any future Governor to have recourse to the same expedient in any future emergency. The Government were soon compelled to adopt the same system of finance, and accordingly the last mentioned sum, viz. 99,315-12, was increased at different periods to Rds. 611,276-42, when at the close of 1795 the colony came under the protection of His Majesty's Government, and the then Governor Sluysken feelingly alive to the deplorable situation in which he was leaving the inhabitants, stipulated for and obtained a security for the paper money then in circulation (exclusive of the Lombard Bank) by mortgaging the public buildings and Government farms. This security was considered a sacred pledge by the British Government and at the time of the evacuation in 1803 remained entire and unalienated.

Shortly after the capture of the Colony, General Craig unable to obtain paper currency at par for Bills drawn on the British Government for payment of the troops, &c., was under the necessity of creating Rds. 250,000 upon the faith of the British Government, which sum was honorably liquidated at the evacuation of the Colony in 1803 by a transfer of British property, taken by estimate and consisting in cavalry horses, magazines, &c., &c.

In 1802 the sum of Rds. 100,000 was created by General Dundas for the purpose of forming a grain fund, and a further sum was created for the purchase of a cargo of rice, amounting to Rds.

80,000, which rice at the evacuation was made over to the Dutch Government, and acknowledged to be equivalent to the sum created for the purchase of it.

The Burgher Senate having earnestly petitioned for assistance to carry on the works of the Town, public highways, &c., General Dundas was induced to create Rds. 100,000, and directed the same to be placed in the Lombard Bank, to be issued in the same manner as the capital of the Bank had hitherto been, and the proceeds thereof to be paid to the Burgher Senate, and as a further addition to this sum Rds. 65,000 was afterwards directed to be taken from the grain fund, leaving to the same fund a remainder of Rds. 35,000. This sum by two successive Proclamations was ordered to be burnt.

After the evacuation of the Colony in 1803, Governor Janssens created at different periods Rds. 300,000, 150,000 for the purpose of erecting public buildings and works, which however found its way into the Public Treasury, and at the subsequent capture of the Colony in 1806 it does not appear that one rixdollar had been applied to the object of its creation. The sum of Rds. 125,000 was lent to the several Drostries without interest, to assist and alleviate the deplorable situation of the inhabitants, 4 per cent of this capital was to be annually repaid (which of course will liquidate itself in 25 years), the remaining Rds. 25,000 was granted to the Agricultural Commission or Board, which still exists.

After the capture of the Colony in 1806, Rds. 500,000 was created by Lord Caledon in aid of the public, and issued through the Lombard Bank. It is here necessary to observe that at the capture of the Colony in 1795 the funds of the Lombard Bank amounted to Rds. 645,255-12, after deducting a sum of Rds. 20,244 withdrawn from the capital by Governor Sluysken, and Rds. 14,500 by General Craig, both which sums were subsequently burnt by order of Government. The annexed document No. 4 details the several issues of paper currency from the first creation of it to the present period, to which is added a small sum of Rds. 32,196, which forms part of the actual floating currency, and which will be presently explained. Annexed document No. 5 shews the proportion of floating currency that has neither public or private security attached to it.

The items on the foregoing head require some explanation. The

sum created by General Craig (as before stated) was honorably liquidated by various articles transferred to the Batavian Government. The 80,000 Rds. created by General Dundas for the purchase of rice was liquidated by the transfer of the article it represented, so that the Batavian Government were bound in honor to have destroyed these sums issued on the faith of the British Government, or in allowing them to remain a debt to the public, to have given satisfactory security. The 150,000 Rds. created by General Janssens for public works, &c., was partly drawn from the Treasury for purposes unconnected with the object of its creation, and the remainder seized as prize at the recapture in 1806.

Had these different issues of paper money been always kept distinct, bearing different marks and numbers, it is natural to conclude that there would have been at some period or other the same denomination of paper money in the Colony bearing two different values, proportioned to the preference that would be given to a credit founded on good security, over that the eventual payment of which was not secured. The Batavian Government resolved to set this question at rest for ever, and accordingly one of its first acts in 1804 was to order by Proclamation a general coinage to supply the place of the old paper in circulation, and blend the whole in one mass, by which transaction it gained Rds. 32,196, a sum of old paper not brought in. (About 5,000 Rds. has since been received at the Treasury and exchanged by order of Government.) It is further to be observed that many Government buildings and farms mortgaged to the public by Governor Sluysken in 1795 were sold to individuals by General Janssens for upwards of Rds. 80,000, altho' the Dutch Government did not reap the full benefit of these sales, yet the public credit has suffered to that extent; and the community at large by the different financial plans of the late Batavian Government has sustained a positive loss of Rds. 500,000 and upwards, independent of this last mentioned transaction.

The institution of the Lombard Bank in 1793 by the Commissioners General Messrs. Nederburgh and Frykenius arose from the calamitous state in which the Colony was involved. Its professed object was the relief of the Community at large labouring under accumulated difficulties. To encourage trade and industry, to prevent the further depreciation of all effects by enabling such

as possessed real property to make good their engagements, and to counteract the shameful practice of usury which existed to such an alarming degree as to threaten total destruction to the less opulent part of the community, such are the ostensible reasons set forth in their Proclamation for the establishment of this Bank. The capital was not to exceed Rds. 1,000,000, to be drawn by the President and members from the Treasury, according to the extent of applications for loans. The sum so drawn amounted (as before stated) to Rds. 645,255-12, and it is to be regretted that little or no attention was paid by the directors of the Bank to the object of the institution, for instead of the needy and oppressed obtaining relief from this fund, the more wealthy appear to have engrossed the greater portion of it. 100,000 Rds. as before mentioned was added to this fund by the then Governor General Dundas, and the proceeds paid to the Burgher Senate. No material change in the administration of this important concern took place until after the recapture of the Colony in 1806, when His Excellency the Earl of Caledon appointed a committee of enquiry to report upon the state of the concern, as well as to investigate other matters of importance detailed in his Proclamation. At this period great distress prevailed amongst the inhabitants, arising from various causes, such as the great depreciation of the paper money, the almost total loss of confidence between man and man, the want of any fund from which they could derive temporary assistance, and the dreadful necessity of borrowing at usurious interest, all conspired to render some assistance from Government absolutely necessary. In consequence of the Report of the Committee His Excellency resolved to exert every energy of the Government and to bring into action whatever means it possessed to alleviate, if not avert, the general calamity. Accordingly the first measure his Lordship determined on was the reorganization of the Lombard Bank. The whole capital was directed to be called in, at the rate of 10 per cent on all loans on properties within Cape Town and its vicinity, and 6 per cent on all loans in the country, thus this diverted capital would gradually flow back into that channel for which it was originally intended. This measure, however beneficial in its result, could not afford immediate relief to the public. His Excellency therefore immediately created the sum of Rds. 500,000, to be added to the loan funds, with explicit directions as to the issue of it. Moreover His Excellency conceived the idea of

establishing a Bank of Discount and forming a capital from the unappropriated revenue. This was accordingly notified to the public by Proclamation, and at the same time that it was to be considered a Bank of Deposit for any who might wish to lodge their cash balances, and tendering at the rate of 5 per cent on all deposits declared not to be withdrawn for 12 months. The collectors of the Revenues were directed to pay in all receipts to the Bank, and the sum of 175,000 Rds. having been withdrawn from the Treasury, the Bank was enabled to commence its operations, and by the issue of the 500,000 Rds. and its ability to meet almost every demand made by the public, the face of sorrow and distress seemed to give place to that of prosperity and contentment.

The very rapid increase of deposits enabled the Members of the Bank to carry on the discounts without having recourse to the Capital; accordingly sums were withdrawn at different periods from the Lombard Discount Bank, and placed in the Lombard Bank, and by issuing the same to the public in short loans of 3 and 6 months, additional relief was afforded, while the Government derived very considerable benefit.

For an abstract detail of interest derived from short loans, vide annexed Document No. 1 (a considerable sum due is not detailed), abstract detail of interest derived from discount vide No. 2. Abstract of Deposits claiming interest vide No. 3. Abstract of personal balance September 1st 1811 vide No. 6.

It may be here just necessary to observe that (with few exceptions) the whole mass of the debtors to the Bank are punctual in the payment of the interest due on their respective loans. That at present the whole capital destined for the operation of discount has been withdrawn from the Lombard Discount Bank, and lent out to the public in short loans of 3 months, subject to occasional renewal for the same period. The shortness of time of loan precludes any material difficulty from arising to Government should it be desirous of withdrawing this capital. The deposits bearing interest of course may be applied either in discount or short loans and perhaps one third of the general deposits not claiming interest may be applied with safety in discount, therefore the public paid only 5 per cent on loans obtained from the Bank, 1 per cent less than the legal interest of the Colony, and the Government derived but 4 per cent, 1 per cent being allowed to the members and

accountants for the administration of it. Lord Caledon however raised the interest on loans to 6 per cent, and directed the whole of the proceeds to be carried to the account of Government, attaching at the same time specific salaries to the department.

Altho' the interest paid on deposits may be considered a drawback to the produce of the discount funds, yet whatever may be their amount, there will always be found individuals too happy to borrow for 3, 6, 9, or 12 months, and thus the objection to the continuation of granting interest on deposits is materially, if not wholly, done away with, indeed the plan of operation in the Bank appears to want little or no amendment.

A comparative statement of the annual proceeds of the Lombard Bank at the capture of the Colony in 1806, and its present state, vide No 7.

[Enclosure 5 in the above.]

Letter from FRANCIS DASHWOOD, ESQRE., to SIR JOHN CRADOCK.

CAPE TOWN, *April 5th* 1814.

SIR,—I have according to Your Excellency's commands perused the paper which I had some time since the honor to place in your hands on the subject of the colonial currency. The detail of the several issues appears to correspond so nearly with that furnished Your Excellency from the Secretary's office, that I conceive it immaterial to state the difference. The short exponent which I attached on the subject I have now no reason to depart from, except where I have assumed that the financial operations of the late Batavian Government in this Colony had proved themselves prejudicial to the public interests, by leaving a large sum of paper currency in circulation, which had neither public or private security attached to it. Upon this head I find I have been guilty of an error, arguing from the circumstance of my being unacquainted with the Articles of the Capitulation in 1806, or rather misconceiving the article which applied to the paper currency, in which article it is agreed that the lands and houses, the property of the Batavian Republic, shall remain as security for that part of the paper money which was not already secured by mortgage on the estates of individuals.

My assumption was founded upon the fact that the 250,000 Rixdollars created by Sir James Craig, as well as the 80,000

Rixdollars created by General Dundas, upon the faith of the British Government, which sums had been honorably liquidated at the evacuation of the colony in 1803, actually formed part of the floating currency extant at the capture in 1806, at the same time that the 150,000 Rixdollars created by the Batavian Government for the purpose of erecting public buildings, &c., &c., and which buildings when erected were to become the *bonâ fide* security to the public for the same, would have warranted my conclusion (since they never have been erected), if that sweeping article in the capitulation had not set the question at rest, by admitting the whole of the floating currency, with the exception of the part secured on private property, to derive its security from the lands and properties of the Batavian Government. It is however in point of fact a matter of very little consequence, as I am convinced a judicious disposal of the landed territory will be found fully sufficient to liquidate the currency secured upon it.

In again offering a few remarks in regard to the paper currency now in circulation, and the general effects produced thereby, I do it with diffidence, from the various opinions entertained on the subject.

The origin of it appears to have been dictated by necessity, and the same necessity seems to have carried it on to its present amount. When I say necessity, I mean when Government has conceived a measure of policy which could alone be carried into effect through the medium of creating paper money for that purpose.

The currency at present in existence amounts to 3,132,198 Rixdollars. If then the white population in Cape Town be estimated at 8,000, taking men, women, and children, and that nine-tenths of this sum be there in actual circulation, leaving one-tenth only to the country districts (which perhaps is a larger proportion than is really the case), or to state round numbers, say 3,000,000, it will leave to each about 354 Rixdollars or £70-16-0 Sterling, taking the value of the Rixdollar at 8 Dutch Schellings or 48 Pence, the value attached to it at its original creation.

This proportion, it is assumed, is beyond calculation too great, and in its operative effects gives rise to the following conclusions :—

That to its redundancy may be attributed the excessive pre-

miums on Government Bills, and causes the high price of every article of consumption.

That the excess of issue may have an effect in raising the premium I admit, but that it is the essential cause of it I deny.

The relative mercantile state of the Colony, compared with its previous existence, bears no analogy whatever.

The trade carried on by the Dutch East India Company with this Settlement is so widely different from the free trade by which all its wants are now supplied, that it is no wonder if the paper currency, which then suffered little or no depreciation, should have now nominally decreased in value.

The Company in time of peace threw in all kinds of European and Indian manufactures and produce, which were vended out to the inhabitants, and the proceeds applied to the support of the civil and military establishments. The colonists had no exports, neither did they feel the loss of them, since all their wants were abundantly supplied by the Company for paper money, which paper flowed back again into the coffers of individuals in proportion to the public expenditure, and thus the paper effectually served the purpose of a circulating medium not liable to depreciation in the absence of all foreign commerce.

No sooner the colony comes under the British Government than a complete change of system takes place. We find British capital employed in supplying all the wants of the colony, at the expense and risk of the importers, which capitals are all eventually to be replaced in England. This want of exports to any amount is severely felt. Paper currency is for the first time brought to the test, and the only resource is found in Government Bills.

During the period the British last held the colony, the premiums on Government Bills rose from 10, 15, to 20 per cent against paper currency. Lord Macartney established a maximum, but which turned out prejudicial to Government, for it did not prevent the Government Bills finding their way into the market, where they sold from 5 to 15 per cent premium, consequently the Government left the real value of the Bills equal to the difference between the sum it actually received and that which the Bills subsequently sold for. Since the capture in 1806 Public Bills have risen from 25 to 90 per cent. They are now at 84½.

Now as to the cause of this immense depreciation, I presume to attribute it to adventitious circumstances. The reduction of the

garrison, the withdrawing any part of the squadron from off the station, of course diminishes the extent of Bills drawn, and consequently enhances the value of those which are to be obtained. The merchant has no resource in export, his credit depends upon his remittance, and the sacrifice of paper money is necessarily the result.

Since the capture the reduction of naval and military force has been great, and it may safely be inferred that without a material addition to the strength of the garrison, and consequently to the public expenditure, the paper currency will continue to be sacrificed, for the following plain and obvious reasons. That the exports of the Colony continue nearly the same as in 1795. That its population is greatly increased as well as the taste of the inhabitants for luxuries of every description, by which a greater consumption of foreign articles is necessarily occasioned, while the public expenditure is not more, if so much as during the last war. How then is this balance to be liquidated but by the sacrifice of the paper currency. I may therefore confidently assert that the premium on Government Bills is regulated by one main fact, viz. the proportion of Government Bills drawn and the quantum of imports of foreign merchandize. It is the difference between the amount of Bills drawn for the public service and the consumption of the Colony in articles of foreign merchandize.

I cannot therefore conceive that the evil complained of results from the redundancy of paper currency. Issue Bills to the amount of the value of the imports, and you at once do away the necessity of competition, and the currency will again return to its representative value. It follows therefore as a consequence that if the medium of remittance alone depends upon the issue of public Bills, in proportion as they are increased or diminished so will the premiums necessarily be influenced.

If my conclusion be just, that the redundancy is not the efficient cause of the high price of Bills (by which the price of commodities is regulated) I am clear in my own mind that so far from its having been an evil, in the present state of things in the Colony it has produced the most important results. The reorganization of the Lombard Bank and the increase of its funds, the formation of the Discount Bank and Your Excellency's subsequent enlargement of the means by which the general deposits might be applied, have all conspired to render the people

more wealthy, prosperous, and happy. If the excess had proved injurious to the public interests, you would have found the Calendar of Bankruptcies and actions for debt proportionally enlarged, but so far from this having been the case, they have considerably diminished. It may be generally said that the face of the country and that of the people has undergone a material change, and rapidly improved.

I know of no other cause that could have produced such manifold benefits but that of the paper currency. You had no specie, scarcely any exports, and no means of arriving at the present state of affluence until you opened the channel by which the community had its wants supplied. It has given life to commerce and agriculture, a spur to industry, and has laid the foundation stone of that consideration and consequence which this Colony may eventually hold among civilized States.

While therefore the assumed evils arising from the redundancy of currency are counterbalanced by the many benefits which have resulted from its existence, I confess I should be very cautious in destroying any part of it until the prosperity of the Colony, thro' the medium of exports and the consequent introduction of specie, had rendered the colonial currency no longer necessary as a medium of exchange, or such portion of it as could be supplemented by specie.

There is every probability that the population will continue to increase. New adventurers arrive, speculations proportionally increasing, and all depending for the time being on the paper currency which exists. As specie therefore or the representative of it has been found to regulate the great transactions of the world, so in proportion as you decrease that in a country which is found essentially necessary to its existence (and which is here the paper currency) so will you diminish those means by which its affluence and prosperity may be secured. I have &c.

(Signed) FRANCIS DASHWOOD.

[Enclosure 6 in the above.]

Proclamation by Lieutenant General Janssens, of the 30th September 1804. See Vol. V, page 418.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN,
April 16th 1814.

MY LORD,—I have the honor to acknowledge Your Lordship's Dispatches Nos. 20 and 23, relative to the succession of Lord Charles Somerset to this Government.

In consequence of his arrival on the 5th instant I delivered over the administration to his Lordship on the following day.

The gracious manner in which His Royal Highness the Prince Regent has been pleased to accept my resignation, and to express his approbation of my conduct, can never be effaced from my mind, and would, if possible, add to my devotion to His Royal Highness's person and Government.

I anxiously request that Your Lordship will receive my sincere acknowledgments for the support and kindness I have experienced from Your Lordship on all occasions. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

His Excellency the Governor and Commander in Chief has much pleasure in bringing to the knowledge of the Merchants and other Inhabitants of this Colony, the following Bill, intituled, "An Act for the further regulation of the Trade to and from the Places within the limits of the Charter of the East India Company," which received the Royal Assent on the 17th of December last.

His Excellency has also desired, that Extracts from the East India Duties Act, as far as it relates to this Settlement, and other points connected with the Trade at this Place, should be published for general information in next Saturday's *Gazette*.

Cape of Good Hope, 16th April, 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

A Bill, intituled an Act for the further regulation of the Trade, to and from the Places within the Limits of the Charter of the East India Company.

Whereas an Act was passed in the last Session of Parliament, intituled, "An Act for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with certain exclusive Privileges ; for establishing further regulations for the Government of the said Territories, and the better administration of Justice within the same ; and for regulating the Trade to and from the Places within the limits of the said Company's Charter." And whereas by the said recited Act it was enacted, that it should be lawful for any of His Majesty's Subjects, in common with the said United Company, to export, in ships navigated according to law, from any Port or Ports within the United Kingdom of Great Britain and Ireland, to all Ports and Places within the limits referred to, save and except the Dominions of the Emperor of China, any Goods, Wares, and Merchandize, which would then or might at any time or times thereafter be legally exported ; and also in common with the said Company, to import in ships, navigated as aforesaid, from any Port or Ports within the limits aforesaid, save and except as aforesaid, into the said United Kingdom, any Goods, Wares, and Merchandize, the produce or manufacture of any of the Countries within the said limits, which could or might at any time or times thereafter be legally imported ; subject nevertheless to the several restrictions, conditions, and limitations in the said Act contained : And whereas it was also enacted by the said Act, that nothing therein contained should extend, or be construed to extend, to prevent the making, during the further term thereby granted to said Company, such further provisions, by authority of Parliament, as might from time to time be deemed necessary for enabling His Majesty's Subjects to carry on trade and traffic, directly or circuitously, as well between all Ports and Places situate without the limits of the said Company's Charter, and all Ports and Places (except the Dominions of the Emperor of China) situate within those limits, as between the said United Kingdom and all the last mentioned Ports and Places, except as aforesaid ; but without prejudice to any of the restrictions or provisions therein contained, as to the resort to and residence of any persons in the East Indies, and parts aforesaid :

And whereas it is expedient to make provision for the enabling the said Company, and all other His Majesty's Subjects, to carry on such circuitous trade, and also to carry on trade between all Ports and Places within the limits of the Charter of the said Company, under certain restrictions and regulations; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the tenth day of April, One Thousand Eight Hundred and Fourteen, it shall be lawful for the said Company, and also for any other of His Majesty's Subjects, to trade (in ships navigated according to law, and proceeding upon any voyage from the United Kingdom to any Ports or Places within the limits of the Charter of the said Company) to, and at any intermediate Ports, Places, or Countries between the said United Kingdom and the limits of the Charter of the said Company, situate in North and South America, (other than and except any of His Majesty's Colonies and Plantations in America), and to and at the Island of Madeira, the Canaries, and Cape de Verde Islands, the Island of St. Helena, and the Cape of Good Hope; and for that purpose to discharge the whole, or any part, of the cargo of any such ship or vessel at any such intermediate ports, places, or countries as aforesaid; and in the prosecution of any such circuitous voyage, to take on board any other goods, wares, and merchandize which can be legally carried from any such intermediate countries, ports, or places to any ports or places within the limits of the Charter of the said Company; and in like manner to trade, in any such ship or vessel, in any voyage, from any ports or places within the limits of the said Company's Charter as aforesaid to the United Kingdom, to and at any intermediate ports, places, or countries between such limits and the said United Kingdom, situate in North or South America (other than and except the colonies or plantations of His Majesty in America,) and at the Cape of Good Hope, or the Island of St. Helena; And it shall also be lawful for His Majesty's Subjects to carry on trade and traffic in ships navigated according to law, directly and circuitously, between all Ports and Places within the limits of the said Company's Charter, except the Dominions of the Emperor of China; anything contained in any Charter of the said Company, or in any Act or Acts of Parliament to the Contrary

notwithstanding: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize any of His Majesty's Subjects, other than the said Company, or Persons properly licensed by them, to export or import from or to any such Countries, Ports, and Places, within or without such limits, or to import into the United Kingdom any Tea, or in any manner to trade or traffic in Tea between any such Ports or Places as aforesaid.

Provided always, and be it further enacted, that nothing in this Act contained, shall extend, or be construed to extend, to repeal or alter, or in any manner to affect the restrictions, regulations, and provisions in the said recited Act contained, as to the size of vessels allowed to clear out from, or enter in at any Port of the United Kingdom; or as to any Licences, Certificates, or Lists required by the said Act, in the cases therein specified; or any of the restrictions or provisions in the said Act, or in any other Act contained, as to the resort to, and residence of any persons in the East Indies: Provided also, that all Trade with all Ports and places upon the continent of Asia, from the river Indus to the Town of Malacca inclusive, or any Island under the Government of the said Company, lying to the North of the Equator, or the said Company's Factory at Bencoolen and its Dependencies, shall remain and continue subject to all such regulations, provisions, and restrictions, as shall from time to time be in force in relation to Trade at any such ports and places, under the Authority of any of the Governments of the said Company at their several Presidencies in India. Provided also, and be it further enacted, that His Majesty's Settlements at the Cape of Good Hope, shall, as to all Trade allowed by this Act to be carried on between Ports and Places within the limits of the Charter of the said Company, be deemed, construed, and taken to be within such limits: Provided also, that nothing herein contained, as to the said Settlement being deemed, as to such Trade as aforesaid, to be within such limits, shall extend or be construed to extend, to prevent, or in any manner to limit or affect any other Trade which now may, or which may hereafter be allowed to be carried on between the said Settlement and any other Countries, Ports, or Places whatever.

And be it further enacted, that this Act may be altered, amended, or repealed, by any Act or Acts to be passed in this Session of Parliament.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE,
17th April 1814.

MY LORD,—I have the honor to submit to your Lordship, with other papers connected with the subject, an extract of a letter from Lord Strangford, His Majesty's Minister at Rio Janeiro.

I thought it to be my duty to immediately direct afresh the most minute enquiry and discover the grounds, if any, for the still repeated accusations against the conduct of the Vice Admiralty Court at this station.

I have now the honor to lay before your Lordship the papers that have passed upon the subject between the Judge, Mr. Kekewich, and the Colonial Government.

In the course of this investigation, the Deputy Colonial Secretary, Lt. Col. Bird, has brought to view an occurrence that took place in August 1808, under the administration of the Earl of Caledon, wherein the name of Mr. Buckton, the Deputy Marshal of the Court, is strongly mentioned.

All the particulars of this case are adverted to in Lt. Col. Bird's letter I have the honor to transmit for your Lordship's future pleasure. I have &c.

(Signed) J. F. CRADOCK.

[Enclosure A.]

*Extract from a despatch from VISCOUNT STRANGFORD to
SIR JOHN CRADOCK.*

RIO DE JANEIRO, 1st September 1813.

The result of this investigation has been that Mr. Custodio Guimaraens, one of the first merchants of this City, persists in the assertion that Portuguese slave ships have been released by the Court of Vice Admiralty at the Cape of Good Hope, on the payment of a sum of money; that slaves have been taken out of those vessels for the profit and advantage of individuals resident at the Cape, under the sanction of the Vice Admiralty Court, and that in the specific instance of the Portuguese vessel *Feliz Dia*, the ship's papers were seized by the officers of the Vice Admiralty

Court, and were forcibly withheld until a Demand for a gratuity of Three Thousand Rixdollars should be accorded; and that the demand was finally reduced to One Thousand Rixdollars, which sum was actually paid before the papers were restored; there not being at the same time any charge against the ship or any plea or ground for her detention. I have in consequence given directions for the accusation thus made by Mr. Guimaraens to be thrown into a judicial form; and I have called upon that Gentleman to produce his witnesses, and at the risk of his responsibility to make good the charges he has brought forward. I have in the mean time requested His Majesty's Government to suspend all opinion on the subject of this affair. I have not a doubt but that Mr. Guimaraens will fail in proving his allegations, but his pertinacity in maintaining them certainly requires that they should have the fullest investigation; and I am perfectly assured that I only anticipate Your Excellency's wishes and those of every member of Government at the Cape in demanding of this Court that the severest scrutiny should be made. The result of it shall be forwarded without delay as well to Your Excellency as to His Majesty's Government.

[Enclosure B.]

Letter from HENRY ALEXANDER, ESQRE., *to* GEORGE KEKEWICH, ESQRE.

SECRETARY'S OFFICE, *March 18th 1814.*

SIR,—I enclose you as Judge of the Vice Admiralty Court an Extract of a Letter from Lord Strangford, the British Resident at the Brazils, for your enquiry and report. I have &c.

(Signed) HENRY ALEXANDER, Colonial Secretary.

[Enclosure C.]

Letter from GEORGE KEKEWICH, ESQRE., *to* SIR JOHN CRADOCK.

CAPE TOWN, *March 26th 1814.*

SIR,—I have the honor to acknowledge the receipt of an extract from a letter addressed to your Excellency by Lord Strangford, dated Rio Janeiro, September 1st 1813, containing charges of a

solemn and serious nature against the proceedings of the Court of Vice Admiralty in this Settlement towards Portuguese slave ships and slaves, in various instances, and submitted under the three following distinct heads:—

1st. That Portuguese slave ships have been released by the Court on a payment of a sum of money.

2nd. That slaves have been taken out of these ships for the profit and advantage of individuals resident at the Cape, under the sanction of the same Court.

3rd. That in the specific instance of the Portuguese vessel *Feliz Dia* the ship's papers were seized by the officers of the Vice Admiralty Court, and were forcibly withheld, until a demand for a gratuity of Three Thousand Rixdollars should be accorded, and that the demand was finally reduced to One Thousand Rixdollars, which sum was actually paid before the papers were restored, there not being at the same time any charge against the ship, or any plea or ground for her detention.

In answer to the first charge, I can only state that after a deliberate investigation it appears by the public records of the Court from the 6th December 1809 (the day on which I landed in this Colony) to the present date only three Portuguese slave ships have been seized, viz. the *Restaurador*, the *Elizabeth*, and *Feliz Dia* above referred to. The two former were condemned as Droits of Admiralty, as your Excellency well knows, the latter was released by consent, on payment of costs.

As to the second charge, I confess it is beyond the reach of my capacity to comprehend its insinuations; and I consider it as an audacious insult on the general conduct of the Court in slave cases. I shall therefore confine myself to the specific case of the *Feliz Dia*, and that His Majesty's Government may be furnished with an ample detail of all the circumstances, I enclose the whole of the proceedings in that case, under the Seal of the Court, to your Excellency, requesting they may be transmitted to my Lord Strangford for his information.

With this brief statement to your Excellency in answer to the gross attack made by Mr. Guimaraens of the honor, character, and integrity of the Court of Vice Admiralty, I shall for the present leave it entirely to the discretion of His Majesty's Envoy at Rio Janeiro to adopt the course he shall deem most expedient in the event of Mr. Guimaraens failing to substantiate his charges by

[Enclosure No. 2.]

CAPE TOWN, *April 7th* 1814.

MY LORD,—I had the honor of Your Lordship's letter of the 6th instant to acquaint me that you had (conformable to your Instructions) taken the Oaths prescribed as Governor and Commander in Chief of the Forces in this Colony, and that Your Lordship wished to know when it would suit my convenience to make over the command of the Troops which the Orders Your Lordship had received from His Royal Highness the Commander in Chief had directed you to do forthwith.

In adverting to the first part of Your Lordship's letter, I with considerable mortification have to observe that Your Lordship's demand through Lt. Colonel Bird from on board ship to be sworn in as soon as possible, and the assumption of the Government within a few hours after landing, before I could possibly arrange a heavy pressure of Judicial transactions, both criminal and civil, in appeals before me and other very important objects in forward operation, pursuant to the Commands of His Majesty's Government, seemed to me extremely inexpedient for the advantage of the Public Service and at least extraordinary in the proceedings of this part of the world. But Your Lordship pleaded the force of your Commission and Instructions (wherein the expression convenient would seem to have peculiar license) and I had but to acquiesce.

Upon the communication of Your Lordship's wish to take immediately the command of the Troops in consequence of your being sworn in, I request permission to state that the word Commander in Chief (not Commander in Chief of the Forces in this Colony) is but an old word more of Dutch usage attached to the title of Governor, and gives no authority for the command of the King's Troops.

I annex the copy of His Royal Highness's letter to signify your appointment, wherein Your Lordship is only mentioned as to succeed me, which circumstance must depend not only on the necessary adjustment of all military accounts to this period but upon the readiness of the convoy and my embarkation. When I arrived here it never entered into my imagination, although the Senior Officer, to deprive General Grey of his command, and he retained possession until he went on board ship.

Cradock's authority, and as your Lordship's instructions to me direct me to be sworn in *as early after my arrival as convenience will permit*, I did not feel myself at liberty to consent to any delay. Unwilling however in a case of this nature to be guided solely by my own opinion, I called upon Mr. Alexander for his. Upon producing to him my Commission with the Great Seal attached to it, he declared his opinion to be, "that after that Commission should have been legally and formally shewn to Sir John Cradock, it would be his (Mr. A's) duty to administer the Oaths to me." Fortified by this opinion, I had no longer any doubt as to the line I was bound to pursue, but after an interview of some length with Sir John Cradock, he acceded to my being sworn.

I subsequently addressed a letter to Sir John Cradock, of which the enclosure No. 1 is a copy. No. 2 is Sir John's answer, and No. 3 my answer to that.

I anxiously trust that my conduct on this occasion will be supported by your Lordship's favourable representation, and meet with the approbation of His Royal Highness the Prince Regent.

Sir John Cradock has accepted from me the accommodation of the Government House during his stay, and I have the satisfaction to believe that no unpleasant feeling exists in his mind respecting this transaction. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1.]

CAPE TOWN, April 6th 1814.

SIR,—I have the honor to inform you that (conformable to my instructions) I have this day taken the oaths as Governor of and Commander in Chief of the Forces in this Colony.

I take the liberty therefore, Sir, of troubling you to beg you to inform me when it will suit your convenience to make over to me the command of the Troops, which the orders I have received from His Royal Highness the Commander in Chief direct me to take upon me forthwith. I have &c.

(Signed) CHARLES HENRY SOMERSET.

To LIEUT. GENERAL SIR JOHN CRADOCK.

their own country, and which has caused them to retire two days' journey from the borders.

On this subject I have but to repeat my decided opinion and conviction, that had I not received your Excellency's orders to pursue these savages into their own country, that the same system of robbery and murder would have continued which would ultimately oblige the farmers to quit this the most productive part of the Colony.

As the strictest vigilance is required to guard against the irruption of these savages, I think a more particular description of their habits and character may not be unacceptable.

From the mouth of the Great Fish River to its source is about 300 miles in an irregular line nearly in a south east direction, the left bank of the river is inhabited by tribes of Kaffres under different chiefs, who all acknowledge Gaika for their king, who united are supposed to have twenty thousand men fit to carry arms.

They are in person tall and well made, extremely muscular, of a tawny black colour, with good expression of countenance, their activity and speed in running is almost incredible, they are persevering, cunning, and courageous in pursuit of plunder, but behave like cowards when opposed to troops armed with muskets.

They can subsist for weeks in the thick woods which this country is covered with on such food as they can collect such as berries of different kinds, bulbs of iris, insects, larvæ of ants, locusts, and honey.

Their clothing is an untanned hide thrown over their shoulders and tied about the neck, they murder every enemy they have in their power, and every attempt to gain their friendship has miscarried. They most treacherously murdered Mr. Stockenstrom then landdrost of Graaff Reinet, after having received his presents.

From the best information I have been able to obtain, about eight thousand Kaffres including women and children were compelled to retire beyond the Great Fish River in 1812. They had taken possession of the seur Veldt (now Albany) by robbing the Boors of their cattle, murdering such as fell into their hands, and burning their houses.

Many of the Boors have returned to their former habitations,

and there can not exist a doubt of the Kaffres being anxious to avenge their late expulsion from the Colony. Hitherto their warfare has been confined to plundering parties, which seldom consist of more than five or six, they evade the patrols by crossing the river in dark and rainy nights, and being well acquainted with the country, get to the neighbourhood of the droves of oxen, and will remain concealed for days together in the thickest bushes, till they have an opportunity of murdering the herd and driving away the cattle, which they are too often successful in getting across the river. I had given directions that the left bank of the river should be stalked to prevent the cattle from getting across, but found it impracticable to do it effectually.

I had the honor in a former letter of recommending that a wharf or pier might be constructed at Algoa Bay. It is supposed that the hulls of two ships might be converted at a reasonable expence into a floating wharf (fastened together) and moored a certain distance from the shore, which would operate as a break-water and facilitate the landing and embarkation of troops, stores, &c, &c.

It is with some reluctance that I beg leave to state that from the long journies I have been obliged to perform, and from local circumstances which would be too tedious to detail, that I have been exposed to heavy and extraordinary expence. I am therefore induced to request that your Excellency will sanction my receiving pay as Commissioner to the time of my departure from the Colony. I have &c.

(Signed) EDW. VICARS, Colonel.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN,
April 23rd 1814.

MY LORD,—I have the honor to transmit to your Lordship the Report I have just received from Colonel Vicars, Civil and Military Commissioner in the Districts upon the Frontiers of this Colony.

I trust that your Lordship will receive with satisfaction the account that the active and decided measures of reprisal which I directed, when on the spot, against the Kaffer Tribes who had so long carried on their depredations with impunity have had all the desired effect. I feel persuaded that should even their plundering attempts be renewed two or three more instances of firmness and spirit (though under the most severe control of moderation and humanity) will entirely close this vexatious warfare.

Colonel Vicars has resigned his situation, and I should suppose that Lord Charles Somerset will not judge it necessary to appoint a successor. I have &c.

(Signed) J. F. CRADOCK.

[Office Copy.]

DOWNING STREET, 23rd April 1814.

Permission for Mr. Reitz to proceed to the Cape of Good Hope.

[Original.]

General Monthly Return of Officers belonging to the several Corps serving in the Cape of Good Hope, 25th of April 1814.

This Return shows 194 officers of all ranks at the Regimental Head Quarters or on detached duty at the Station, and 42 officers of all ranks on Staff employ.

[Original.]

General Monthly Return of the Sergeants, Trumpeters, Drummers,
and Rank and File of the several Corps serving in the Cape of
Good Hope, 25th April, 1814.

Corps.	Head Quarters.	Effective Strength, exclusive of those sent or left at Home.					
		Sergeants.	Trumpeters or Drummers.	Rank and File.			
				Present and fit for Duty.	Sick.	On Command.	Total.
21st Light Dragoons . .	Cape Town . .	53	10	798	40	49	887
Royal Artillery . . .	Do.	6	5	311	12	2	325
Gunner Drivers . . .	Do.	3	1	90	3	..	93
Royal Sappers and Miners	Do.	2	..	12	..	..	12
60th Foot	Simon's Town .	55	21	702	13	278	993
83rd Foot	Cape Town . .	55	22	865	37	..	902
93rd Foot	Do.	54	22	932	18	3	953
Cape Regiment . . .	Graham's Town	35	19	..	..	695	695
Garrison Company . .	Algoa Bay . .	10	4	6	..	134	140
Total		273	104	3,716	123	1,161	5,000

(Signed) J. F. CRADOCK, Lieut. Gen.

[Original.]

Letter from SIR JOHN CRADOCK to LORD BATHURST.

GOVERNMENT HOUSE, CAPE TOWN,
April 27th 1814.

MY LORD,—I had the honor of receiving your Lordship's in-
structions to give to Mr. F. W. Fagel leave of absence to return
to England, and to permit him to appoint a Deputy as Vendue
Master during his absence.

Before the knowledge of your Lordship's wishes upon the
IX. 2 K

subject, conceiving how very advantageous to the great cause in Holland his presence must be in Europe, I had already complied with Mr. Fagel's desire to the same effect.

Mr. Fagel conferred upon me the favor of accompanying me during my late tour through the Colony; and through every motive of public and private regard I should deny myself the most sensible gratification if I did not anxiously express to your Lordship the high esteem and marked respect in which Mr. Fagel is universally held throughout this Community.

I shall also have the pleasure of Mr. Fagel's company on board the *Semiramis*. I have &c.

(Signed) J. F. CRADOCK.

[Copy]

Government Advertisement.

Notice is hereby given that the newly erected Church at Simons Town will, in future, be called by the name of St. George's Church.

Cape of Good Hope, 29th April, 1814.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Original.]

Letter from VICE ADMIRAL TYLER to J. W. CROKER, ESQRE.

*Medway, SIMONS BAY,
CAPE OF GOOD HOPE, 30th April 1814.*

SIR,—Having received a letter from Captain Hornsby of His Majesty's Ship *Stag* respecting the Bird Islands and the Coast adjacent to Algoa Bay, and stating from frequent observations that a considerable error exists in the Longitude laid down in the Charts of several of the Headlands on that part of the Coast, I think it necessary, for the information of the Lords Commissioners of the Admiralty, to transmit herewith that Officer's letter on the occasion.

The Sketch of the Bird Islands alluded to in Captain Hornby's said letter does not differ in any material degree from that of Lieutenant. Rice contained in the Book of Plans furnished with the Admiralty Charts. I have &c.

(Signed) CHAS. TYLER.

[Original.]

Letter from VICE ADMIRAL TYLER to J. W. CROKER, ESQRE.

*Medway, SIMONS BAY,
CAPE OF GOOD HOPE, 30th April 1814.*

SIR,—His Excellency Lieutenant General Sir John. Francis Cradock, late Governor of this Colony and Commander in Chief of the Forces, having requested that I would provide a passage for him and his family on board one of His Majesty's Ships proceeding to England, I am to acquaint you, for the information of the Lords Commissioners of the Admiralty, that I have given directions that His Excellency and family be received on board the *Semiramis* for that purpose. I have &c,

(Signed) CHAS. TYLER.

[Copy.]

Memorandum by DEPUTY SECRETARY BIRD to accompany the Estimates for Receipt and Expenditure for 1814.

April 1814.

The very considerable increase in the last year's revenue at first view appears flattering, but when the increased expenditure is at the same time taken into consideration, and the probable defalcation in the receipts from the causes hereafter to be detailed, it will be found necessary to provide without delay for a sum of not less than 211,570 Rixdollars to meet the expense of the current year.

The total amount of last year's Revenue was 947,122 Rixdollars, as detailed in the annexed statement No. 1. The following deficiencies will probably occur in the receipts of the present year.

30,000 Rds., being the amount of 5 per cent on 500,000 Rds. directed by Sir John Cradock to be destroyed towards the annihilation of the 2nd sum of 500,000 Rds. appropriated to the expences of civil buildings ; 40,000 deficit in the customs and vendues.

The reasons I calculate upon the deficiency are, that the increase of the last year arose from the sales and duties upon American prize goods, which are not likely again to occur, and the great loss of shipping between England and this place does not hold out a hope of resource from that side ; 50,000 Rds. deficit for a probable deficit in the wine farm. The system of wine farm is to be done away, the Revenue arising from it was certain, it may be supposed that the new plan will be equally productive, but as it has once been tried and found to fail, in a calculation of this nature it is necessary to estimate a proportion as loss. 120,000 Rixdollars.

Supposing the other branches of Revenue therefore to amount to an equal sum this year as last, then the gross amount of Revenue will be Rds. 827,122 for the year 1814.

The expenditure of the present year may be estimated as follows :—

751,192 Rds. Salaries of Civil Servants calculating for those on the British Establishment and Cape Regiment at the present rate of Exchange, it not being likely to fall ; 110,000, amount of civil buildings ordered and already undertaken beyond the sum of 500,000 appropriated thereto by order from the Secretary of State ; 40,000, the ordinary expenses, which sum includes the expenses of Convicts and prisoners, of offices, of roads, water-courses, and bridges ; 70,500, the extraordinaries, which sum includes expense of repairs to Government Buildings, pay of armed Inhabitants, provisions for do., and sundries ; 67,000, claim of the captors against the Colonial Government. Total 1,038,692 Rixdollars, which sum deducted from the probable receipt leaves the above mentioned deficit of 211,570 Rds., and this sum does not include the advances made in England on account of the Cape Regiment's clothing and other advances made to the Colonial Agent in England on other accounts.

(Signed) C. BIRD.

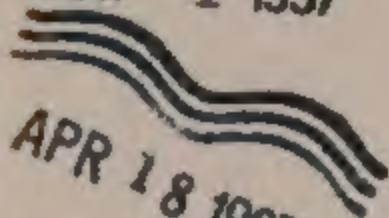
THE UNIVERSITY OF MICHIGAN

DATE DUE



JUL 26 1995

MAY 1 1997



APR 18 1997



UNIVERSITY OF MICHIGAN



3 9015 02809 7700

